



# Kansas Register

Bill Graves, Secretary of State

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## State of Kansas

**Board of Adult Care Home  
Administrators****Notice of Meeting**

The Board of Adult Care Home Administrators will meet at 9:30 a.m. Friday, September 9, in Room C of the Kansas National Education Association Building, 715 S.W. 10th, Topeka.

Joe Kroll, Acting Director  
Health Occupations Credentialing

Doc. No. 015328

## State of Kansas

**Advisory Committee on Hispanic Affairs****Notice of Meeting**

The Kansas Advisory Committee on Hispanic Affairs, a division of the Department of Human Resources, will meet from 11 a.m. to 1 p.m. Saturday, October 1, at the Red Coach Inn, 2110 W. Crawford, Salina. The public is encouraged to attend. For further information, contact Eva Pereira, executive director, at (913) 296-3465.

Eva Pereira  
Executive Director

Doc. No. 015333

## State of Kansas

**Department of Health  
and Environment****Notice Concerning Teen Pregnancy  
Prevention Projects**

The Office for Children, Youth and Families of KDHE will provide funding in fiscal year 1995 for teen pregnancy prevention projects authorized by the 1994 Kansas Legislature. In Phase II, community projects should focus on development of community prevention services that include peer counseling, involvement of both male and female youth, teen speakers bureau, and/or other youth outreach activities. The purpose of this announcement is to give notice to potential applicants of the amount of funding and the application deadline date. An estimated two to three awards will be granted, and the estimated funds available is \$100,000.

To obtain application guidance information, including program provisions, priorities and review criteria, potential applicants may contact the Office for Children, Youth and Families, KDHE, Suite 1005, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1290, (913) 296-1307 or (913) 296-6651. Application deadline is October 1.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 015329

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Topeka, KS 66612-1594  
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(913) 296-3489

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of September 12 through September 25:

Date	Room	Time	Committee	Agenda
September 12	123-S	9:30 a.m.	Joint Committee on Economic Development	Presentations on business finance assistance programs.
September 13	123-S	9:00 a.m.		
September 13	531-N	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
September 14	531-N	9:00 a.m.		
September 14	514-S	10:00 a.m.	Legislative Post Audit Committee	Legislative matters.
September 15	123-S	10:00 a.m.	Legislative Budget Committee	<u>15th:</u> a.m.—Fees for the Dept. of Health and Environment wastewater treatment programs; p.m.—school district substance abuse prevention programs; committee discussion and possible conclusions on substance abuse issues.
September 16	123-S	9:00 a.m.		<u>16th:</u> Children's services funding; committee discussion and possible conclusions on homestead property tax refund procedures; state general fund receipts.
September 15	On tour		Blue Highway-Having It All (Health Care)	<u>15th:</u> McPherson and Great Bend.
September 16	On tour			<u>16th:</u> Salina. (Location in each community will be announced later.)
September 16	Salina	9:30 a.m.	Kansas Council on Privatization	Salina Chamber of Commerce 120 W. Ash, Conference Room
September 19	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda not available.
September 20	514-S	9:00 a.m.		
September 20	On tour	8:30 a.m.	Special Committee on Judiciary	<u>20th:</u> Tour of Ellsworth Correctional Facility and Hutchinson Correctional Facility Central Unit.
September 21	On tour	8:30 a.m.		<u>21st:</u> Observe Kansas Parole Board hearing at Hutchinson Correctional Facility and tour of East Unit.
September 21	514-S	10:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
September 22	514-S	9:00 a.m.		
September 21	526-S	10:00 a.m.	Special Committee on Open Meetings	Agenda not available.
September 22	526-S	9:00 a.m.		
September 22	123-S	10:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
September 23	123-S	9:00 a.m.		

Emil Lutz  
Director of Legislative  
Administrative Services

State of Kansas

Department of Commerce and Housing

Notice of Hearing

A public hearing for the amended final statement for the distribution of the state's allocation from the Supplemental Appropriations Act of 1994 will be from 9 a.m. to noon Thursday, September 22, in Conference Room 4 West B, 700 S.W. Harrison, Topeka.

Bob Knight
Secretary of Commerce and Housing

Doc. No. 015323

State of Kansas

Department of Commerce and Housing

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, October 10, in Suite 1300, 700 S.W. Harrison, Topeka, to consider the adoption of proposed rules and regulations of the Community Development Division concerning the Kansas Community Service Program Act.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Director of Community Development, 700 S.W. Harrison, Suite 1300, Topeka 66603-3712. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sondra Clark at (913) 296-4703.

These regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows.

K.A.R. 110-7-1. Definitions. The purpose of this regulation is to define the terminology and meanings provided in the regulation. This regulation benefits both the consumers and private citizens and has no significant economic impact on state agencies, state employees or other governmental units.

K.A.R. 110-7-2. Submission of proposal. The purpose of this regulation is to establish the guidelines for submitting the application of proposal.

This regulation benefits the consumer and has no significant economic impact on state agencies, state employees, other governmental units or private citizens.

K.A.R. 110-7-3. Review of proposal. The purpose of this regulation is to establish the guidelines for review of the applications. It also establishes the criteria for approval or disapproval of each application.

This regulation benefits both the consumer and the state agency and has no significant economic impact on state employees, other governmental units or private citizens.

K.A.R. 110-7-4. Amount of tax credits. This regulation allows the Department of Revenue to grant a tax credit against the tax liability of a business firm, once the proposal has been approved.

This regulation benefits the consumer. There is no significant economic impact to state agencies, employees, other governmental units or private citizens.

Copies of the regulations and their economic impact statements may be obtained from the Department of Commerce and Housing at the address above, (913) 296-3485.

Bob Knight
Secretary of Commerce and Housing

Doc. No. 015336

(Published in the Kansas Register, September 8, 1994.)

District Court of Neosho County, Kansas
Sitting at Chanute

City of Chanute, Kansas and Bank of Commerce, Chanute, Kansas vs. Irene Polson, et al. and In the matter of the Final Settlement of the Neosho Paper Trust

Notice of Hearing

The State of Kansas to the holders of Industrial Revenue Bonds issued by the City of Chanute, Kansas, Series 1983-A, New Era Packaging, Inc., also known as Neosho Paper Products, and to the Beneficiaries of the Neosho Paper Trust and all other persons concerned:

A hearing will be conducted at 10 a.m. September 15, 1994, at the Neosho County Judicial Center in Chanute, Neosho County, Kansas, to review and approve the final accounting of the Trustee of the Neosho Paper Trust, and to enter such orders as may be necessary to make final distribution to beneficiaries of the Trust.

Trust beneficiaries who have registered with the Trustee will receive a copy of the final accounting by mail prior to the final hearing. All other interested persons should contact Kurt F. Kluin, attorney for the class of senior bondholders and primary beneficiaries of the Neosho Paper Trust, at P.O. Drawer G, Chanute, KS 66720, (316) 431-1601, to receive a copy of the accounting.

Neosho County District Court
Chanute, Kansas

Doc. No. 015260

## State of Kansas

## Department of Corrections

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Friday, October 14, in the Department of Corrections' conference room, fourth floor, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed rules and regulations 44-5-115, 44-6-124, 44-6-142, 44-12-601, 44-12-1202, 44-12-1308, 44-13-408 and 44-13-704 of the Kansas Department of Corrections.

The 30-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations.

All interested parties may submit written comments prior to the hearing to Timothy G. Madden, Legal Counsel, Kansas Department of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to present their views orally on the adoption of the proposed regulations. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

The following is a brief summary of the proposed regulations:

**44-5-115.** This is a new regulation which establishes fees to be assessed against offenders for various services provided to offenders.

**44-6-124.** This regulation is amended to provide that an inmate shall not be awarded good time credits if the inmate refuses to cooperate in the development of an acceptable release plan. The regulation is also amended to clarify that in the event an inmate fails to constructively participate in work or assigned programs, the inmate shall not be awarded good time credits.

**44-6-142.** This regulation is amended to provide that beginning January 1, 1995, an inmate must earn good time credits for the purpose of determining the conditional release date.

**44-12-601.** This regulation concerning inmate mail is amended to delete the provision for inmates to receive a holiday package. An alternative to a holiday package will be implemented.

**44-12-1202.** This regulation is amended to clarify the impact of an inmate receiving a fourth disciplinary offense in a six month period.

**44-12-1308.** This regulation is amended to clarify the length of disciplinary segregation.

**44-13-408.** This regulation is amended to clarify that counsel substitute in a disciplinary hearing provides assistance to the inmate rather than representation.

**44-13-704.** This regulation is amended to clarify the time period for the principal administrator to notify an inmate of the administrator's review of a disciplinary action.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for

accommodation should be made at least five working days in advance of the hearing by contacting Timothy G. Madden at (913) 296-4508 or fax at (913) 296-0014.

Copies of the proposed regulations and economic impact statement may be obtained by contacting Timothy G. Madden at the address given above, (913) 296-4508.

Charles E. Simmons  
Acting Secretary of Corrections

Doc. No. 015318

## State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 2 p.m. September 14, and then publicly opened:

## District Five—Southcentral

**Kingman—54-48 K-5622-01,** U.S. 54, from the Pratt/Kingman county line, east 18.5 miles to the west Kingman city limits, milling and surfacing. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap, or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

Michael L. Johnston  
Secretary of Transportation

Doc. No. 015287

## State of Kansas

## Secretary of State

## Usury Rate for September

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of September 1, 1994 through September 30, 1994, is 10.17 percent.

Bill Graves  
Secretary of State

Doc. No. 015321

## State of Kansas

Department of Administration  
Division of Purchases

## Notice to Bidders

Sealed bids for items hereinafter listed will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Monday, September 19, 1994

30677

University of Kansas—Snow removal services,  
Overland Park

30683

Statewide—Institutional clothing

30685

University of Kansas, Medical Center—Frozen  
yogurt

99919

Adjutant General's Department—Pavement repair,  
Fort Leavenworth

Tuesday, September 20, 1994

A-7559

University of Kansas—Fraser Hall, Room 539, create  
four lab spaces

30675

Statewide—Dietary pharmaceuticals

30682

Statewide—Thermal facsimile paper

30684

Statewide—(Cold) cereal

30686

Statewide—Cookies and crackers

99873

Wichita State University—Backflow preventers

99874

Kansas State University—Automatic floor scrubber

99887

Topeka State Hospital—Truck

99888

Hutchinson Correctional Facility—Ice machines and  
dispensers

99889

Emporia State University—Unix processing system  
and software (RISC 6000)

99890

Kansas State University—Unix workstation (Sun  
SPARC)

99921

University of Kansas Medical Center—Hematology  
analyzer

Wednesday, September 21, 1994

A-7409

Fort Hays State University—Access entrance ramps,  
Agnew and McMIndes Residence Halls

99894

Wichita State University—Server system (DEC 2100)

99898

Department of Administration, Division of  
Printing—Sewing and binding of statute books

99899

University of Kansas—Lock materials

99900

Department of Transportation—Wood signposts,  
Salina

99901

Department of Transportation—Steel signposts,  
Salina

Thursday, September 22, 1994

A-7161(a)

Larned State Hospital—Replace water treatment  
equipment, Jenkins Hall

A-7406

Department of Wildlife and Parks—Campground  
building, Tuttle Creek State Park

99817

Department of Social and Rehabilitation Services—  
Steel shelving system, Wichita

99913

Department of Transportation—Light poles, arms  
and bases, various locations

99914

University of Kansas—Roof coatings

99915

University of Kansas Medical Center—Dining room  
booths and tables

Friday, September 23, 1994

99917

Department of Transportation—Nuclear surface  
moisture-density gauges

99918

Hutchinson Correctional Facility—Portable air  
compressor/sand blaster

Wednesday, September 28, 1994

30353

Statewide—Surgical instruments (Class 05)

Friday, October 14, 1994

30681

University of Kansas—Aircraft insurance

Jack R. Shipman  
Director of Purchases

Doc. No. 015324

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-AG-94-82/85

Name and Address of Applicant	Legal Description	Receiving Water
Steven Sterling 2615 E. Sterling Road Garden City, KS 67846	SW/4, Sec. 21S, R32W, Finney County	Upper Arkansas River Basin

Kansas Permit No. A-UAFI-S004

The proposed facility will have capacity for approximately 2,000 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Zoltenko Farms James A. Zoltenko Route 1, Box 106 Courtland, KS 66939	SE/4, Sec. 11 and NE/4, T1S, R6W, Jewell County	Lower Republican River Basin

Kansas Permit No. A-LRJW-H001 Federal Permit No. KS-0085545

The proposed expanded swine facility has capacity for approximately 7,500 swine and a contributing drainage area of approximately 24.7 acres.

Runoff Control Facilities: Enclosed wine units wastewater and a contributing drainage area of approximately 24.7 acres is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 23.1 acre-feet.

Compliance Schedule:

1. The waste management plan developed by Reh and Associates, Inc. and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquid and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 2 acre inch per acre per year and solids shall be applied at no greater than 10 ton per acre.
2. Prior to utilizing the storage pond in Section 14, Township 1S, Range 6W of Jewell County, the permittee shall obtain additional

dewatering equipment through purchase, rental or custom application agreement. It shall be capable of pumping at least 525 GPM and in conjunction with the existing 450 GPM irrigation pump be able to uniformly distribute the wastewater accumulation over 600 acres when the swine operation is operating at permitted capacity. Written verification of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Clarence Scoggan, Inc. Route 4 Beloit, KS 67420	SW/4, Sec. 26, T8S, R7W, Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-B005

The feedlot has capacity for approximately 850 cattle and a contributing drainage area of approximately 4.6 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 2.0 acre-feet.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Tom Niehues and Bros. Route 1, Box 35 Goff, KS 66428	SE/4, Sec. 15, T5S, R13E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S010

The proposed expanded facility will have capacity for approximately 1,000 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before October 7 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-94-82/85) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication

(continued)

and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 015330

#### State of Kansas

### Department of Health and Environment

#### Notice Concerning Variance Request From Hazardous Waste Regulations

The Kansas Department of Health and Environment is providing public notice that on July 13, 1994, the Atchison, Topeka and Santa Fe Railway Company, 920 S.E. Quincy, Topeka, submitted a request for a renewal of a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-6(c), which requires minimum insurance requirements for transporters of hazardous waste. The Atchison, Topeka and Santa Fe Railway Company is currently registered under K.A.R. 28-31-6 to transport hazardous waste. Since The Atchison, Topeka and Santa Fe Railway Company is self-insured, KDHE considers this to be equal in protection to the minimum insurance requirements of K.A.R. 28-31-6(c).

In accordance with K.A.R. 28-31-13(b), public notice was provided that KDHE considered the request for renewal of a variance justified and made a tentative decision to grant the variance. A public comment period to receive comments regarding this tentative decision was established between July 28 and August 27, 1994. No public comments regarding this decision were received.

Therefore, in accordance with K.A.R. 28-31-13(b), KDHE announces its decision to approve this request for a variance and not to include any special conditions. The variance shall become effective on September 1, 1994, and shall remain in effect until September 1, 2004.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 015327\*

#### State of Kansas

### Board of Accountancy

#### Notice of Meetings

The Board of Accountancy will meet at 9 a.m. Friday, September 23, in Conference Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka. Persons interested in agenda items or in attending should contact the board office in Suite 556 of the Landon Building.

Additionally, task forces of the board and others considering the subjects of experience for licensure after the 150 hour law goes into effect and non-CPA ownership of registered firms will be meeting between 9 a.m. and noon September 22 at 400 Croix, Topeka.

Glenda Moore  
Executive Director

Doc. No. 015322

#### State of Kansas

### Human Rights Commission

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 11:30 a.m. Friday, October 14, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed set of new rules and regulations of the Kansas Human Rights Commission.

This 36-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Kansas Human Rights Commission, Suite 851-S, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1258.

All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption on a temporary basis and a permanent basis. A summary of proposed regulations and their economic impact follows.

#### Article 70.—NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS

**21-70-1. Definitions.** This regulation defines the following terms, "Current illegal use of drugs," "Public transportation facility," "Qualified interpreter," "Service animal," "Shopping center or shopping mall," and "the act."

**21-70-2. Landlord and tenant responsibilities.** This regulation provides that both the landlord who owns the building that houses a place of public accommodations and the tenant who owns or operates the public accommodation shall be considered public accommodations subject to the provisions of the Kansas act against discrimination, but allocations of responsibilities for compliance may be made by lease or contract agreement between the landlord and tenant.

**21-70-3. Activities; denial of participation.** This regulation prohibits denying disabled individuals participation in or benefit from, or providing the participation in unequal benefit in, the goods, services, facilities and privileges. It further limits providing an individual or class of individuals on the basis of disability with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals unless such action is necessary to make such provision in a manner that is as effective as that provided to others.

**21-70-4. Integrated settings.** This regulation requires the provision of goods, services, facilities and accommodations to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

**21-70-5. Administrative methods.** This regulation prohibits a public accommodation from, directly or through contractual or other arrangements, utilizing standards, criteria or methods of administration that have the effect of discriminating on the basis of disability.

**21-70-6. Association.** This regulation prohibits discrimination against an individual because of the known disability of an individual with who the individual is known to have a relationship or association.

**21-70-7.** This regulation prohibits discrimination against any individual who has opposed acts or practices prohibited by the Kansas act against discrimination or who has made a discrimination complaint or assisted, testified or participated in hearing of a discrimination complaint.

**21-70-8. Places of public accommodation located in private residences.** This regulation excludes from coverage under the act that portion of a private residence which is used exclusively as a residence and not a public accommodation.

**21-70-9. Direct threat.** This regulation allows a public accommodation to refuse participation or benefit therein to an individual who poses a direct threat or significant risk to the health or safety of others that cannot reasonably be eliminated by a modification of policies, practices, procedures, or by the provision of auxiliary aids or services.

**21-70-10. Maintenance of accessible features.** This regulation sets out the requirements for public accommodations to maintain those features of facilities and equipment that are required to be readily accessible to and useable by persons with disabilities.

**21-70-11. Safety.** This regulation allows a public accommodation to impose legitimate safety requirements that are necessary for safe operation.

**21-70-12. Charges.** This regulation prohibits surcharges upon individuals with disabilities to cover costs of measures required to provide those individuals with nondiscriminatory treatment.

**21-70-13. Modifications in policies, practices, or procedures.** This regulation requires public accommodations to make reasonable modifications in policies, practices or procedures necessary to accommodate individuals with disabilities, unless the

public accommodation can demonstrate that such modifications would fundamentally alter the nature of the goods, services, facilities or accommodations.

**21-70-14.** This regulation requires modifying policies, practices or procedures necessary to permit use of a service animal by an individual with a disability, but does not require the place of public accommodation to supervise or care for the service animal.

**21-70-15. Undue burden: definition and determination.** This regulation defines "undue burden" to mean significant difficulty or expense and sets forth factors to be considered in determining whether an undue burden is established.

**21-70-16. Auxiliary aids and services.** This regulation sets forth services and equipment included as auxiliary aids and services, and requires public accommodations to take those steps that are necessary to ensure that no person with a disability is excluded, denied, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities or accommodations being offered or would result in an undue burden.

**21-70-17. Auxiliary aids and services; telecommunication devices for the deaf (TDD's).** This regulation requires public accommodations that offer a customer, client, patient or participant the opportunity to make outgoing telephone calls on more than an incidental convenience basis, to make available, upon request, a TDD for use of an individual who has impaired hearing or a communication disorder.

**21-70-18. Auxiliary aids and services; closed caption decoders.** This regulation provides that each lodging establishment that provides televisions in five or more guest rooms and hospitals that provide television for patient use shall provide, upon request, a means for decoding captions for use by an individual with impaired hearing.

**21-70-19. Alternatives to auxiliary aids and services.** This regulation provides that an alternative auxiliary aid or service which does not result in an alteration or undue burden may be provided where provision of a particular aid or service is an undue burden or would result in a fundamental alteration in the nature of the goods, services, facilities or accommodations being offered.

**21-70-20. Definition of readily achievable; determination.** This regulation defines the term "readily achievable" and sets forth the factors to be considered in determining whether an action is readily achievable.

**21-70-21. Removal of barriers.** This regulation provides that each public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, if removal is readily achievable, and sets forth actions that may be included in process of removal of barriers.

**21-70-22. Removal of barriers; priorities.** This regulation sets forth the order of priorities for complying with requirements for removal of barriers.

(continued)

**21-70-23. Removal of barriers; relationship to alteration requirements.** This regulation outlines the relationship of the removal of barriers requirement and alteration requirements under these regulations.

**21-70-24. Removal of barriers; portable ramps.** This regulation provides that a portable ramp may be used in situations where installation of a permanent ramp is not readily achievable in a place of public accommodation.

**21-70-25. Removal of barriers; selling or serving space.** This regulation provides that the rearrangement of temporary or movable structures shall not be considered readily achievable if it results in a significant loss of selling or serving space.

**21-70-26. Limitation on barrier removal obligations.** This regulation provides that the requirements for barrier removal shall not exceed the standards for alteration in these regulations, shall not apply to transportation services addressed elsewhere within these regulations, and that where the standards for alteration are not provided within these regulations, the requirements for barrier removal shall not exceed the standards set in these regulations for new construction.

**21-70-27. Alternatives to barrier removal.** This regulation provides that if a public accommodation can demonstrate that barrier removal is not readily achievable, the public accommodation shall make its goods, services, facilities or accommodations available through alternative methods, if those methods are readily achievable.

**21-70-28. Accessible or special goods.** This regulation provides that there is no requirement that a public accommodation alter its inventory to include accessible or special goods that are designed for, or facilitate use by, individuals with disabilities.

**21-70-29. Seating in assembly areas; existing facilities.** This regulation provides for certain readily achievable actions to accommodate individuals in wheelchairs.

**21-70-30. Seating in assembly areas; new construction.** This regulation provides that the standards governing the provision and location of wheelchair seating spaces in newly constructed or altered assembly areas shall be governed by the standards for new construction and alterations provided within these regulations.

**21-70-31. Examinations and courses.** This regulation provides that each public accommodation that offers examinations or courses related to applications, licensing, certification or credentialing for education, professional, or trade purposes shall offer the examinations or courses in a place and manner accessible to persons with disabilities or offer alternative arrangements for access.

**21-70-32. Transportation.** This regulation provides that each public accommodation which provides any transportation service shall ensure that each service so provided is available to people with disabilities, and outlines necessary modifications which may be included under this requirement.

**21-70-33. Transportation provided by public accommodations.** This regulation provides that each

public accommodation that provides transportation services, but that is not primarily engaged in the business of transporting people, shall be subject to the act and these regulations, and outlines various types of transportation services referred to by the provisions of this regulation.

**21-70-34. New construction; exception for structural, impracticability; elevator exemption.** This regulation provides for exception for compliance with requirements for new construction where the public accommodation can demonstrate that meeting those requirements is structurally impracticable, and further provides circumstances in which installation of an elevator shall not be required in situations involving new construction.

**21-70-35. Alterations.** This regulation provides that any alteration to a place of public accommodation after July 1, 1991, shall be made so as to ensure that, to the maximum extent feasible, the altered portion of the facility is readily accessible to and usable by individuals with disabilities, and defines the term "alteration" to which this regulation applies.

**21-70-36. New construction and alterations; path of travel.** This regulation provides that if an alteration affects or could affect the usability of or access to an area of a facility that contains a primary function, the alteration shall be made so as to ensure to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones and drinking fountains serving the altered area is readily accessible to and useable by individuals with disabilities, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration. This regulation also defines the term "primary function."

**21-70-37. Alteration to an area containing a primary function.** This regulation sets forth what may be included as alterations that affect the usability of or access to an area containing a primary function.

**21-70-38. New construction and alterations; path of travel; landlord or tenant.** This regulation provides that if a tenant is making certain alterations in areas that only the tenant occupies, that shall not trigger an obligation on the landlord to alter the areas of the facility under the landlord's authority in order to comply with the "path of travel" requirements within these regulations if those areas are not otherwise being altered.

**21-70-39. New construction and alterations; definitions of path of travel.** This regulation defines the phrase "path of travel."

**21-70-40. New construction and alterations; path of travel; disproportionality.** This regulation provides that the cost of alterations made to provide an accessible path of travel to the altered areas shall be deemed disproportionate to the overall alteration when the cost exceeds 20 percent of the cost of the alteration to the primary function area.

**21-70-41. New construction and alterations; path of travel; duty to provide accessible features in the event of disproportionality.** This regulation provides that when the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the

path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

**21-70-42. New construction and alterations; path of travel; series of smaller alterations.** This regulation provides that the obligation to provide an accessible path of travel shall not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking. The regulation further addresses costs of alterations to be considered under certain circumstances.

**21-70-43. Alterations; elevator exemption.** This regulation provides that, with certain exceptions, installation of an elevator shall not be required in an altered facility that is less than three stories high or has less than 3,000 square feet per story.

**21-70-44. Alterations; historic preservation.** This regulation provides that alterations to buildings of facilities that are eligible for listing in the national register of historic places or designated as historic under state or local law shall comply to the maximum extent feasible with requirements for accessibility.

**21-70-45. Standards for new construction and alterations.** This regulation provides that new construction and alteration subject to these regulations shall comply with the standards for accessible design published in the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

**21-70-46. Exceptions to the coverage as a disability.** This regulation provides that "disability" does not include transvestism, transsexualism, pedophilia, exhibitionism, certain gender identity disorders, sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorder resulting from current illegal use of drugs, and the phrase "physical or mental impairment" shall not be interpreted to include homosexuality or bisexuality.

**21-70-47. Smoking.** This regulation provides that prohibitions and restrictions upon smoking in places of public accommodation are not precluded by these regulations.

**21-70-48. Health insurance, life insurance and other benefit plans.** This regulation provides that, unless done as a subterfuge to evade the purposes of the law, risks may be underwritten, classified and administered under benefit plans in a manner based on or not inconsistent with state law and within the terms of a bona fide benefit plan. The regulation further provides that a public accommodation shall not refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities.

**21-70-49. Personal devices and services.** This regulation provides that a public accommodation shall not be required to provide its customers, clients, or participants with personal devices such as wheelchairs, individually prescribed devices, or services of a personal nature including assistance in eating, toileting, or dressing.

**21-70-50. Illegal use of drugs.** This regulation provides that the term "illegal use of drugs" does not

include the use of a drug taken under supervision of a licensed health care professional, or other uses authorized by law.

**21-70-51. Illegal use of drugs.** This regulation provides that, with limited exceptions set forth in the regulation, the act and these regulations shall not be construed as prohibiting discrimination against an individual based on that individual's current illegal use of drugs.

**21-70-52. Illegal use of drugs; drug testing.** This regulation provides that a public accommodation is not prohibited from adopting or administering reasonable policies or procedures, which may include drug testing, that are designed to ensure that an individual formerly engaged in the illegal use of drugs is not currently engaging in the illegal use of drugs. The regulation further provides that the regulation shall not be construed to encourage, prohibit, restrict, or authorize testing for the illegal use of drugs.

**21-70-53. Relationship to other law.** This regulation provides that these regulations shall not be construed to invalidate or limit remedies, rights or procedures of other state or local laws with greater or equal protection for the rights of individuals with disabilities or individuals associated with them, and shall not apply a lesser standard than the standards applied under the Kansas handicapped accessibility standards and regulations issued thereunder.

**21-70-54. Certification of state laws or local building codes.** This regulation defines for purposes of this regulation the phrases "assistant attorney general," "certification of equivalency," and "code," and sets forth circumstances under which certification that a state law or local ordinance can be certified as meeting or exceeding the minimum requirements for accessibility and usability of facilities.

#### Summary of Economic Impact Statement

This proposed set of regulations implements the statutory prohibition against public accommodation discrimination on the basis of disability (L. 1991, ch. 147). These implementing regulations explain and provide guidance on the statutory requirements.

It is not expected that there will be any increase in costs to the Human Rights Commission from the adoption of these regulations.

It appears that these proposed regulations will not have a significant economic impact on places of public accommodation and entities subject to the Kansas act against discrimination. However, covered entities could experience some increases in expenditures relating to the statutory requirements of reasonable accommodation required not only by the Kansas act against discrimination, but also by the Federal Americans with Disabilities Act of 1990. Other governmental units, private citizens and consumers will not be affected by these regulations.

Copies of the regulations and the economic impact statement may be obtained from the Kansas Human Rights Commission at the address above, (913) 296-3206, TDD (913) 296-0245.

Michael J. Brungardt  
Executive Director

Doc. No. 015320

State of Kansas

Wichita State University

Notice to Bidders

The Wichita State University is accepting bids on the following items:

Closing September 23, 1994

Quotation 950100-1

Robot arm

Quotation 950101-1

Mobile robot with gripper

Bids must be submitted to the Wichita State University Office of Purchasing, Morrison Hall, Room 021, 1845 N. Fairmount, Wichita 67260-0012, by 2 p.m. on the above specified closing date. Please refer to the above quotation number on all correspondence. For additional information contact the Office of Purchasing, (316) 689-3080.

Gary D. Link  
Director of Purchasing

Doc. No. 015334

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1993 Supp. 75-4210. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 9-12-94 through 9-18-94

Term	Rate
0-90 days	4.72%
3 months	4.99%
6 months	5.07%
9 months	5.32%
12 months	5.56%
18 months	5.89%
24 months	6.12%
36 months	6.45%
48 months	6.66%

Sally Thompson  
State Treasurer

Doc. No. 015325

State of Kansas

Office of Judicial Administration

Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals  
Court of Appeals Courtroom, Third Floor  
Old Sedgwick County Courthouse, 510 N. Main  
Wichita, Kansas

Tuesday, September 20, 1994

Before Briscoe, C.J.; Royse, J.; and E. Newton Vickers,  
District Judge Retired, assigned.

9:30 a.m.

Case No.	Case Name	Attorneys	County
71,071	In the Matter of the Marriage of Edward L. Harris Jr. and Brukentta M. Harris.	Charles E. Watson William A. Vickery	Sumner
71,006	John Dee and Suzy B. Roper, Appellants, v. The Bridlewood Homeowners Association.	Dale H. Cooper Norman G. Manley James L. Hargrove	Butler

10:00 a.m.

70,763	Cigna Prop. and Cas. Co., Appellant, v. Waechter Hay and Grain, Inc., Appellee.	Kirby A. Vernon Michael G. Patton Alan D. Herman	Lyon
70,700	Mark Wells, Appellee, v. Dept. of Revenue, Appellant.	Kiehl Rathbun  Brian Cox	Reno

11:00 a.m.

71,420	James Doran, Appellant, v. Ellen Hildebrand et al., Appellees.	James M. McVay Gregory L. Bauer Gordon B. Stull	Stafford
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1:00 p.m.

70,344 Richard and Peggy Henry, Appellees, W.J. Fitzpatrick Montgomery  
 v. Lynn H. Frank  
 Dean Burnett, Ivan Walters, et al., Appellants. Tom Crossan

70,846 Clark Pool, et al., Appellees, Curt T. Schneider Montgomery  
 v. Woody D. Smith  
 Plattner Welding Supplies, et al., Appellants.

70,360 Greg Cussimano, Appellee, William L. Phalen Crawford  
 v. Sara S. Beezley  
 James Ferguson, et al., Appellants.

2:30 p.m.

70,906 In the Matter of the Marriage of Patricia A. Gilman Sedgwick  
 Jacqueline J. Krause (Wyman) and Donald E. Lambdin  
 Patrick J. Kraus.

Summary Calendar—No Oral Argument

70,569 State of Kansas, Appellee, Debra S. Byrd Sedgwick  
 70,570 v. Attorney General  
 Robert B. Leonard, Appellant. Debra Wilson

70,740 State of Kansas, Appellee, Debra S. Byrd Sedgwick  
 v. Attorney General  
 Lon M. Hosey, Appellant. Charles A. O'Hara

70,691 State of Kansas, Appellee, Debra S. Byrd Sedgwick  
 v. Attorney General  
 Robert A. Emerson, Appellant. Hazel Haupt

70,034 Phung Voung, Appellant, Ernest L. Tousley Sedgwick  
 v. Attorney General  
 State of Kansas, Appellee. Debra S. Byrd

70,782 State of Kansas, Appellee, Debra S. Byrd Sedgwick  
 v. Attorney General  
 Roger A. Anderson, Appellant. Rick Kittel

70,758 Diane Madden, Appellee, Richard D. Cordry Sedgwick  
 v. Christopher Randall  
 Farmers Ins. Co., Inc., Appellant.

Wednesday, September 21, 1994

Before Elliott, P.J.; Rulon, J.; and David F. Brewster,  
 District Judge, assigned.

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,293	Daniel Lee Schuhs, Appellant,	James B. Zongker	Sedgwick
71,431	v.	Robert R. Lee	
71,432	Cassandra M. Schuhs, Appellee.	Kay Gowen	
71,433			
71,434			

70,930	Esther Catherine Taylor, Appellant,	Richard D. Cordry	Sedgwick
	v.		
	Jaime Melean, M.D., Appellee.	William Tinker Jr.	

(continued)

## 10:00 a.m.

71,211	In the Interest of L.D.B., et al.	William R. Griffith Gerald J. Domitrovic Pamela J. Guizlo J. Shawn Elliott	Sedgwick
71,771	State of Kansas, Appellee, v. David Williams (In re Jillian Waesche and Georgina Adami, Appellants).	Debra S. Byrd Attorney General  Judith E. Reed	Sedgwick

## 11:00 a.m.

70,783	State of Kansas, Appellee, v. Beulah E. King, Appellant.	Debra S. Byrd Attorney General Steven R. Zinn	Sedgwick
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## 1:00 p.m.

70,706	State of Kansas, Appellee, v. Kenneth Kline, Appellant.	Debra S. Byrd Attorney General Rebecca Woodman	Sedgwick
70,555	State of Kansas, Appellee, v. Nathaniel Whriters, Appellant.	Debra S. Bryd Attorney General Thomas Jacquinet	Sedgwick
70,327	State of Kansas, Appellee, v. Richard Holmes, Appellant.	Debra S. Byrd Attorney General Thomas Jacquinet	Sedgwick

## Summary Calendar—No Oral Argument

70,271	State of Kansas, Appellee, v. Bobby L. Smith, Appellant.	Debra S. Byrd Attorney General Jean Gilles Phillips	Sedgwick
70,861	In the Matter of the Marriage of Barbara Kay Bradley and Dean William Bradley.	Mel L. Gregory Michael E. Baker	Sedgwick
70,553	State of Kansas, Appellee, v. Horace D. Dunn, Appellant.	Debra S. Byrd Attorney General Stephen Moss	Sedgwick
71,008	In the Interest of B.W.H. and S.H.	William R. Griffith Verlin A. Ingram J. Shawn Elliott Aronda Strutt Kerns	Sedgwick
70,554	State of Kansas, Appellee, v. Donald R. Govan, Appellant.	Debra S. Byrd Attorney General Steven R. Zinn	Sedgwick
70,941	In the Interest of D.M.W. and P.V.H.	Thomas McDowell LeDetra Jones Tracy S. Lough J. Shawn Elliott Darren K. Patterson Richard L. Dickson	Sedgwick
70,793	Gordon Gillespie, Appellant, v. Calvin Handkins and Virgilene Handkins, Appellants.	Joseph H. Cassell  Michael L. Jones	Sedgwick

Kansas Court of Appeals  
Division 3 Courtroom, Wyandotte County Courthouse  
Kansas City, Kansas

Tuesday, September 20, 1994

Before Pierron, P.J.; Brazil, J.; and Prager, C.J. Retired, assigned.

Case No.	Case Name	9:30 a.m. Attorneys	County
70,819	In the Matter of the Adoption of E.S.W.	Douglas S. Wright Martin Asher	Atchison
70,742	In the Matter of the Marriage of Donna Sue Willard (Bennett) and Lloyd J. Willard.	Sandra K. Hartley David N. Sutton Randy M. Barker Paula B. Hurt	Miami
1:30 p.m.			
71,159	State of Kansas, Appellee, v. Anthony John Trcka, Appellant.	County Attorney Attorney General Michael B. Buser	Miami
71,875	State of Kansas, Appellee, v. Michael J. Bell, Appellant.	District Attorney Attorney General John Frydman	Douglas
71,100 SC	State of Kansas, Appellee, v. Don E. Scott, Appellant.	District Attorney Attorney General Edward G. Collister Jr.	Douglas
2:30 p.m.			
71,571	State of Kansas, Appellant, v. Gerald Colston, Appellee.	District Attorney Attorney General Gary Barnes	Wyandotte
70,507	State of Kansas, Appellee, v. Warren Buchanan, Appellant.	District Attorney Attorney General Thomas Jacquinet	Wyandotte
Wednesday, September 21, 1994			
9:00 a.m.			
70,674	Resolution Trust Corp., Cons., Appellee, v. James Green, et al., Appellants.	Margaret Pemberton Richard D. Ralls Michael R. Lawless	Johnson
70,234	Dr. Arthur Taliaferro, Appellant, v. James Kloeppel, et al., Appellees.	Tuere L. Sala Barry W. McCormick Gregory N. Pottorff	Wyandotte
10:00 a.m.			
71,243	Deborah Gann, et al., Appellees, v. Spencer Joeckel, Appellant.	Gary C. Robb Gordon M. Rock Jr. Edward M. Boyle	Johnson
71,489	Walter McClure, Appellant, v. Ken Rodricks, et al., Appellees.	William D. Wingfield Mark Hoffmeister Gary L. Jordan	Johnson

(continued)

## Summary Calendar—No Oral Argument

71,191	Roxana McClanahan, Appellant, v. City of Leavenworth, et al., Appellees.	James E. Martin Robert D. Beall	Leavenworth
70,741	State of Kansas, Appellee, v. Brad Montgomery Jr., Appellant.	District Attorney Caroline Ong Attorney General Carl E. Cornwell	Johnson
71,145	Jackie Lee Deal, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General District Attorney	Wyandotte
71,163	State of Kansas, Appellee, v. Dimitri L. Dixon, Appellant.	District Attorney Attorney General Jessica R. Kunen Edward G. Collister, Jr.	Douglas

**Kansas Court of Appeals**  
**Court of Appeals Courtroom, Second Floor, Kansas Judicial Center**  
**Topeka, Kansas**

Tuesday, September 20, 1994

Before Green, P.J.; Lewis, J.; and Jack L. Burr,  
District Judge, assigned.

Case No.	Case Name	Attorneys	County
70,257	State of Kansas, Appellee, v. Robert L. Evans, Appellant.	County Attorney Attorney General Julie Gorenc	Lyon
70,958	State of Kansas, Appellee, v. Walter L. Jenkins, Appellant.	County Attorney Attorney General Max Rowinsky	Seward
70,137	State of Kansas, Appellee, v. Steve Stegman, Appellant.	County Attorney Attorney General Jessica R. Kunen	Jackson
10:30 a.m.			
70,903	State of Kansas, Appellee, v. John Meili, Appellant.	County Attorney Attorney General Thomas Jacquinot	Mitchell
71,281	Chris Shanks, Appellant, v. Kansas Department of Transportation, Appellee.	Lelyn J. Braun Theresa Pasek	Shawnee

Before Green, P.J.; Gernon, J.; and Jack L. Burr,  
District Judge, assigned.

1:15 p.m.

71,671	Rent-Sum-Wheels, Appellee, v. Darla L. Conner, Appellant.	Michael E. Francis Alan R. Bibler	Shawnee
71,296	Mary F. Mamrych, Appellant, v. Jennifer Martin, Appellee.	L.J. Leatherman John A. Bausch	Shawnee
70,902	State of Kansas, Appellee, v. Billy Marsh, Appellant.	County Attorney Attorney General Jessica R. Kunen	Republic

## Summary Calendar—No Oral Argument

70,859	In the Matter of the Marriage of Patricia Ann Wakefield and Andrew Ralph Wakefield.	Charles W. Harper. Lloyd R. Graham	Geary
70,634	State of Kansas, Appellee, v. Wayne Ralph Kirk, Appellant.	District Attorney Attorney General Donald R. Hoffman	Shawnee

Before Gernon, P.J.; Lewis, J.; and Jack L. Burr,  
District Judge, assigned.

3:00 p.m.

71,176	State of Kansas, Appellant, v. Robert L. Stubblefield, Appellee.	Kyle G. Smith Attorney General Dennis J. Keenan	Russell
71,443	In the Matter of the Marriage of Jose R. Vargas and Carol Lorraine Vargas (Shumate).	Arvid V. Jacobson Max M. Hinkle	Geary

## Summary Calendar—No Oral Argument

70,724	State of Kansas, Appellee, v. James E. Merritt, Jr., Appellant.	County Attorney Attorney General Jessica R. Kunen	Lyon
71,168	State ex rel. SRS, Appellee, v. Shawne McDuffett, Appellant.	J. Marcua Goodman Sherri Laizure, pro se Shawn McDuffett, pro se	Morris
71,237	William Cahill, Appellant, v. James Francisco, et al., Appellees.	Sarah E. Sweet-McKinnon John J. Knoll	Reno

Wednesday, September 21, 1994

Before Green, P.J.; Gernon and Lewis, JJ.

9:30 a.m.

Case No.	Case Name	Attorneys	County
71,466	Admin. of Estate of Marilyn Church, Appellee, v. Steven Atkinson, Appellant.	Darrel Bryant	Morris
71,490	Archbishop Ignatius Strecker, Appellee, v. Shawnee Co. Appraiser, Appellant.	David H. Heilman John J. Jurcyk Jr.	Shawnee
71,155	State of Kansas, Appellee, v. Jason Edward Field, Appellant.	Sandra L. Jacquot District Attorney Attorney General Mark L. Bennett Jr.	Shawnee

11:00 a.m.

70,625	Patricia Gragg, Appellee, v. Joseph Rhoney, et al., and Topeka Gun & Knife Show, Inc., Appellants.	Robert E. Duncan II Alan P. Blinzler	Shawnee
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## Summary Calendar—No Oral Argument

71,005	Jeffrey Caylor, Appellant, v. Police Officer Shaft, et al., Appellees.	Jeffrey Caylor, pro se County Attorney	Saline
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Carol G. Green  
Clerk of the Appellate Courts

## State of Kansas

## Secretary of State

## Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments were filed August 15-31:

## District Judge, 3rd Judicial District

**Nancy E. Parrish**, 3632 S.E. Tomahawk Drive, Topeka 66605. Term expires when a successor is elected and qualifies according to law. New position.

## Kiowa County Attorney

**Eric W. Marshall**, 108 W. Florida, Greensburg 67054. Term expires when a successor is elected and qualifies according to law. Succeeds Michael Gear, resigned.

## Russell County Sheriff

**Tim Holmes**, 400 Main, Russell 67665. Term expires when a successor is elected and qualifies according to law. Succeeds Robert Balloun, resigned.

## Advisory Council on Aging

**Carolyn Kerford**, 107 Mound St., Atchison 66002. Term expires June 30, 1996. Succeeds Louie DeRoin.

**Bettie Sue Shumway**, 306 Ash St., Ottawa 66067. Term expires June 30, 1997. Succeeds Anita Niles.

**Jim Sund**, 7202 Mastin, Merriam 66103. Term expires June 30, 1997. Succeeds Georgia Neese Gray.

Kansas Commission on Children,  
Youth and Families

**Donna Stevenson**, Community Action, 1000 S. Hancock, Topeka 66607. Serves at the pleasure of the Governor. New position.

State Planning Council on Developmental  
Disabilities Services

**Matsumi Ameku**, 2021 N. Old Manor, Apt. 1202, Wichita 67208. Serves at the pleasure of the Governor. Succeeds Cathy Chapman, resigned.

Kansas Commission on Governmental  
Standards and Conduct

**Elon Torrence**, 327 S.W. Greenwood, Topeka 66606. Term expires January 31, 1996. Succeeds Ronnie Beach. Appointed by the Secretary of State.

## Governor's Adoption Reform Task Force

**Donna Harrington**, 3812 S.E. 32nd, Topeka 66605. Serves at the pleasure of the Governor. New Position.

Health Care Provider Cooperation Act  
Advisory Council

(Established by 1994 Session Laws of Kansas, Chapter 153.)

**Dr. Gary Counselman**, 1408 S.W. Topeka Blvd., Topeka 66612. Appointed by and serves at the pleasure of the House Minority Leader.

## Historic Sites Board of Review

**Terry J. Clark**, 2314 N. 88th Drive, Kansas City, KS 66109. Term expires June 30, 1997. Succeeds Mary Maley.

**Judith K. Major**, 1512 Leavenworth, Manhattan 66502. Term expires June 30, 1995. Reappointment.

## Historical Records Advisory Board

**Donald Douglas**, 6008 Danbury, Wichita 67220. Term expires June 30, 1997. Reappointment.

**Linda Fincham**, Marshall County Register of Deeds, 1201 Broadway, Marysville 66508. Term expires June 30, 1995. Succeeds Barbara MacKinnon, resigned.

**David Haury**, Kansas State Historical Society, 120 S.W. 10th, Topeka 66612. Term expires June 30, 1997. Reappointment.

**Michael Piper**, Kansas State Library, 3rd Floor, State Capitol, 300 S.W. 10th, Topeka 66612. Term expires June 30, 1997. Reappointment.

Kansas Technology Enterprise Corporation  
Board of Directors

**Howard E. Mossberg**, 1632 Alvamar Drive, Lawrence 66046. Subject to Senate confirmation. Term expires April 13, 1998. Succeeds Dr. Theodore Kuwana.

## Legislative Educational Planning Committee

**Sen. Lana Oleen**, Vice Chair, 3000 Stagg Hill Road, Manhattan 66502. Succeeds Sen. Jerry Moran. Appointed by the President of the Senate.

## Northwest Kansas Regional Library System

**Ann B. Davis**, Route 1, Box 160, Norton 67654. Term expires June 30, 1997. Succeeds Georgia Briery, resigned.

## Southeast Kansas Regional Library System

**Lorraine L. Davis**, Route 1, Box 60, Edna 67342. Effective December 1, 1994. Term expires June 30, 1998. Succeeds Louis Norris.

Kansas Migrant Farmworkers  
Coordinating Council

(Created by Executive Order No. 94-166. Members serve at the pleasure of the Governor.)

**Michael J. Brungardt**, Kansas Commission on Human Rights, Room 851-S, Landon State Office Building, 900 S.W. Jackson, Topeka 66612.

**David Cleveland**, Department of Commerce and Housing, Division of Industrial Development, 700 S.W. Harrison, Suite 1300, Topeka 66603.

**Richard Lopez**, SER Corporation, 709 E. 21st, Wichita 67214.

**Roger McCollister**, Kansas Legal Services, Inc., 712 S. Kansas Ave., Suite 200, Topeka 66603.

**Loreen Locke McMillan**, Department of Agriculture, Marketing Division, 901 S. Kansas Ave., 1st Floor, Topeka 66612.

**Bill Musick**, Member, State Board of Education, P.O. Box 187, Minneapolis, KS 67467.

**Richard Ruiz**, El Centro, Inc., 1333 S. 27th, Kansas City, KS 66106.

Laurie Rosenwasser, Harvest America Corporation, Franklin Center, 14th and Metropolitan, Kansas City, KS 66106.

Penny Schwaab, Mexican American Ministries, 224 N. Taylor, Garden City 67846.

Jenny Tavares, Department of Human Resources, Division of Employment and Training, 1321 Topeka Blvd., Topeka 66614.

Joyce Volmut, Department of Health and Environment, 9th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612.

Donna Whiteman, Secretary of Social and Rehabilitation Services, 6th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

**Kansas Occupational Therapist Council**

David Kemp, 809 Catalpa, Derby 67037. Term expires July 1, 1996. Reappointment.

Sandra Ward, 128 W. Jewell, Salina 67401. Term expires July 1, 1997. Reappointment.

**Joint Committee on Pensions, Investments and Benefits**

Sen. Don Steffes, 1008 Turkey Creek Drive, Box 327, McPherson 67460. Succeeds Sen. Dick Bond. Appointed by the President of the Senate.

**Physician's Assistant Council**

Steve Asbury, 205 E. 1st, Ellinwood 67526. Term expires July 31, 1997. Reappointment.

**Kansas Public Employee Retirement Study Commission**

Carmen Alldritt, 531 W. 15th, Harper 67058. Term expires September 30, 1997. Reappointment.

David B. Dallam, Division of the Budget, 1st Floor, State Capitol, 300 S.W. 10th, Topeka 66612. Term expires September 30, 1997. Reappointment.

Pat Kettler, Sedgwick County Register of Deeds, Room 415, Courthouse, 525 N. Main, Wichita 67203. Term expires September 30, 1996. Succeeds Robert Bugg.

**Kansas Commission on Travel and Tourism**

Stanley G. Hirschler, Chairman, 102 N. Belfrey, Council Grove 66846. Effective October 1, 1994. Term expires September 30, 1995. Reappointment.

Bill Graves  
Secretary of State

**State of Kansas**

**Kansas Commission on Governmental Standards and Conduct**

**Advisory Opinion No. 94-24**

Written August 17, 1994, to Wayne Hollis, Staff Development Specialist I, Board of Emergency Medical Services, Topeka.

This opinion is in response to your letter of July 27, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interest laws (K.S.A. 46-215 *et seq.*).

**Factual Statement**

We understand you request this opinion in your capacity as a Staff Development Specialist I for the Board of Emergency Medical Services. You advise us that you have been contacted by Barton County Community College to serve as faculty for training officer workshops during off-duty time. These training sessions lead to participant approval as a Kansas Training Officer I or II.

Barton County Community College received exclusive permission to hold the workshops from the Board of EMS. You had no input or involvement in the decision-making process.

**Question**

May you accept employment with Barton County Community College during off-duty hours while still an employee of the Board of Emergency Medical Services?

**Opinion**

It is our opinion so long as you did not participate in the making of the contract between the state and Barton County Community College in your capacity as a state employee and you do not in that capacity license, regulate, inspect or enforce regulations with the college, the situation you describe is permissible (see K.S.A. 46-233 and K.S.A. 46-286).

**Advisory Opinion No. 94-25**

Written August 17, 1994, to Laurence A. Taylor, Thomas County Attorney, Colby.

This opinion is in response to your letter of June 30, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*).

**Factual Statement**

We understand you request this opinion in your capacity as county attorney for Thomas County, Kansas.

**Question**

Does the Kansas Commission on Governmental Standards and Conduct have jurisdiction to hear complaints of violations of K.S.A. *et seq.*

**Opinion**

K.S.A. 75-4303a(b) sets forth the pertinent authority granted to the commission which applies to your question. That subsection states:

The Kansas Commission on governmental standards and conduct shall administer K.S.A. 75-4301a, 75-4302a, 75-

(continued)

4303a, 75-4304, 75-4305 and 75-4306 and amendments thereto and may adopt rules and regulations therefor.

The question then is whether a grant of authority to "administer" a body of law includes the authority to hear complaints of violations. As a general rule, an administrative agency has only the authority specifically granted to it and those additional powers which are clearly implied. The word "administer" does not by itself include the right to hear and determine complaints. Thus, the issue turns to whether such powers are clearly implied from the word "administer." In this regard, all of the statutes under our jurisdiction are instructive. In both the state level conflict laws (K.S.A. 46-215 *et seq.*) and the campaign finance laws (K.S.A. 25-4119 *et seq.*), this commission is specifically granted the authority to hear and determine complaints. Given this legislative pattern of clear grants of authority to this commission in two of the three laws we administer, we cannot assume that the same powers are clearly implied in K.S.A. 75-4301 *et seq.* In other words, had the legislature intended to grant the commission the authority to hear and determine complaints under K.S.A. 75-4301 *et seq.*, it would have done so in the same fashion as the other two laws under our jurisdiction.

It is, therefore, our opinion that the Kansas Commission on Governmental Standards and Conduct lacks jurisdiction to hear and determine complaints under K.S.A. 75-4301 *et seq.* Violations of this act are handled by the appropriate county or district attorney or the Attorney General's office by criminal complaint.

Richard C. Loux  
Chairman

Doc. No. 015282

(Published in the Kansas Register, September 8, 1994.)

**Summary Notice of Bond Sale**  
**City of Junction City, Kansas**  
**\$152,541.51**  
**General Obligation Bonds, Series DE**  
**(General obligation bonds payable from**  
**unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of bond sale dated September 6, 1994, sealed bids will be received by the clerk of the city of Junction City, Kansas (the issuer), on behalf of the governing body at City Hall, 7th and Jefferson, Junction City, KS 66441, until 3 p.m. C.D.T. on September 20, 1994, for the purchase of \$152,541.51 principal amount of General Obligation Bonds, Series DE. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$7,541.51. The bonds will be dated October 1, 1994, and will become due on September 1 in the years as follows:

Year	Principal Amount
1995	\$ 7,541.51
1996	5,000.00
1997	5,000.00
1998	10,000.00
1999	10,000.00
2000	10,000.00
2001	10,000.00
2002	10,000.00
2003	10,000.00
2004	10,000.00
2005	10,000.00
2006	10,000.00
2007	15,000.00
2008	15,000.00
2009	15,000.00

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semi-annually on March 1 and September 1 in each year, beginning on March 1, 1995.

**Paying Agent and Bond Register**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$3,050.83 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before October 20, 1994, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$77,229,817. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$11,762,541.51.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C. Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the clerk, (913) 238-3103, or from the financial advisor, George K. Baum & Company, Kansas Public Finance Department, 120 W. 12th, Kansas City, MO 64105, Attn: Roger Edgar, (816) 474-1100.

Dated September 6, 1994.

City of Junction City, Kansas

Doc. No. 015331

(Published in the Kansas Register, September 8, 1994.)

**Abbreviated Notice of Bond Sale**  
**\$8,000,000**  
**Public Building Commission**  
**of Johnson County, Kansas**  
**Lease Purchase Revenue Bonds**  
**Series 1994A**

**Sealed Bids**

Bids, submitted in a sealed envelope marked "Bond Bid" and addressed to the undersigned, finance officer of the Public Building Commission of Johnson County, Kansas (the PBC), at the Johnson County Administration Building, 2nd Floor, 111 S. Cherry, Suite 2500, Olathe, KS 66061-3441, will be accepted until 10 a.m. C.D.T. on Thursday, September 15, 1994, for the purchase of the PBC's Lease Purchase Revenue Bonds, Series 1994A, in the principal amount of \$8,000,000, as hereinafter described. All bids will be publicly opened and acted upon by the PBC immediately thereafter. No oral or auction bids will be considered.

Bidders may mail or deliver a bid in person to the finance officer, Johnson County Administration Building, or they may telephone or telefax it to the PBC prior to the said time and date. Bidders who transmit their bid by telephone or telefax must undertake the following: (a) send a blank copy of the official proposal form for the bonds in time to be received by the PBC not less than two business days prior to the date of sale; (b) the blank proposal must provide the name and telephone number of the authorized representative of the lead manager of each account signed by such representative and must list the members of the account on the back thereof. On the day of the sale, at least 15 minutes prior to the time of sale, the authorized representative of the account may transmit to the finance officer, by telephone or telefax, the bid for the bonds. The signed proposal will be completed by the finance officer with such information. Telephone bids must be made to either of the following telephone numbers: (913) 764-8484, extension 5534, or (913) 764-8484, extension 5440. Telefax transmissions must be sent to the following number: (913) 791-5284. The PBC will not accept responsibility for inaccurate bids submitted through the telephone or telefax, including garbled transmissions, or the inability of a bidder to access the telephone or telefax number prior to the indicated sale time.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, will be dated October 1, 1994, will be issued in the principal amount of \$8,000,000, under certain conditions or events will be subject to redemption prior to maturity and will become due serially on September 1 in each of the years as follows:

Maturity September 1	Principal Amount
1995	\$400,000
1996	400,000
1997	400,000
1998	400,000
1999	400,000
2000	400,000

2001	400,000
2002	400,000
2003	400,000
2004	400,000
2005	400,000
2006	400,000
2007	400,000
2008	400,000
2009	400,000
2010	400,000
2011	400,000
2012	400,000
2013	400,000
2014	400,000

The bonds will bear interest from their date at rates to be determined when the bonds are sold as herein provided, which interest will be payable semiannually on March 1 and September 1 in each year, commencing March 1, 1995.

**Good Faith Deposit**

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of \$160,000, payable to the order of the PBC, must accompany each bid for the bonds.

**Costs**

The PBC will pay the cost of printing the bonds and the expense of all legal services, including the opinion of Burke, Williams, Sorensen & Gaar, bond counsel, approving the legality of the bonds and the exclusion of the interest (with specified minor exceptions) thereon from federal and Kansas gross income taxes.

**Security for the Bonds**

The bonds are special obligations of the PBC payable as to both principal and interest from lease payments received from Johnson County, Kansas, by the PBC for the county's use of certain public facilities located within the county. An application will be made to Moody's Investors Service for a rating on the bonds.

**Bid Forms**

All bids must be made on forms which may be procured from the finance officer. No additions or alterations in such forms may be made and any erasures may cause rejection of any bid. The PBC reserves the right to waive irregularities and to reject any and/or all bids.

**Additional Information**

A complete notice of bond sale, preliminary official statement and bid form approved by the PBC will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the finance officer, Johnson County Administration Building, Olathe, KS 66061-3441, (913) 764-8484, extension 5534.

Public Building Commission  
of Johnson County, Kansas  
By: Ronald F. Cousino  
Finance Officer  
Administration Building  
Olathe, KS 66061-3441  
(913) 764-8484, extension 5534

Doc. No. 015335

## State of Kansas

## Department of Administration

## Public Notice

Under requirements of K.S.A. 65-34,117(b), records of the Division of Accounts and Reports show the unobligated balances are \$993,935.64 in the underground petroleum storage tank release trust fund and \$7,316,817.36 in the aboveground petroleum storage tank release trust fund at August 31, 1994.

Gloria M. Timmer  
Secretary of Administration

Doc. No. 015337

(Published in the Kansas Register, September 8, 1994.)

## Notice of Bond Sale

\$2,250,000

Unified School District 325  
Phillips County, Kansas  
General Obligation School Bonds  
Series 1994

## Sealed Bids

Sealed bids for the purchase of \$2,250,000 principal amount of General Obligation School Bonds, Series 1994, of Unified School District 325, Phillips County, Kansas, hereinafter described, will be received by the undersigned district clerk of Unified School District 325, Phillips County, Kansas, on behalf of the governing body of the district at the district's administrative offices, 240 S. 7th, Phillipsburg, Kansas, until 10 a.m. C.D.T. on Wednesday, September 14, 1994. All bids will be publicly opened and read at said time and place and will be acted upon by the district immediately thereafter. No oral or auction bids will be considered.

## Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated October 1, 1994, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1995	\$ 60,000
1996	65,000
1997	100,000
1998	110,000
1999	115,000
2000	120,000
2001	130,000
2002	135,000
2003	145,000
2004	150,000
2005	160,000
2006	170,000
2007	180,000
2008	190,000
2009	205,000
2010	215,000

The bonds will bear interest at rates to be determined

when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1995.

## Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The district will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

## Redemption of Bonds Prior to Maturity

At the option of the district, bonds maturing on September 1, 2003, and thereafter will be subject to redemption and payment prior to maturity on September 1, 2002, and thereafter in whole on any date or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the district is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the district shall elect to call any bond for redemption and payment prior to the maturity thereof, the district shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 45 days prior to the redemption date. Thereafter, the paying agent and bond registrar will notify the owners of the bonds of the district's redemption call by United States mail, postage prepaid. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

**Conditions of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the index of treasury bonds published by *The Bond Buyer* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the district during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the district on the basis of such bid. Each bid shall also specify the average annual net interest rate to the district on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the "Initial Reoffering Prices").

**Basis of Award**

The award of the bonds will be made on the basis of the lowest net interest cost to the district, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the district. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the district shall determine which bid, if any, shall be accepted, and its determination shall be final.

**Security for the Bonds**

The bonds will be general obligations of the district, payable as to both principal and interest from ad valorem taxes which may be levied, without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the district.

**Internal Revenue Code of 1986**

The Internal Revenue Code of 1986 imposes requirements on the district which must be met subsequent to the issuance of the bonds by the district and, as a result, the district will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The district's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the district's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted current earnings of

certain corporations in the calculation of alternative minimum taxable income, with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for an environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on such obligations. With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds. The district does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

**Legal Opinion**

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the district, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the district with the provisions of the resolution authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is excludable from federal income taxation. Interest on the bonds will also be excludable from the computation of Kansas adjusted gross income.

**Delivery and Payment**

The district will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about October 12, 1994, at such bank or trust company in the state of Kansas or greater Kansas City, Missouri, metropolitan area as may be specified by the successful bidder. Delivery elsewhere will be at the bidder's expense. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the district. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the district and bond registrar not later than 3 p.m. C.D.T. on September 22, 1994. In

(continued)

the absence of such information, the district will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the district by 3 p.m. C.D.T., on September 22, 1994, a certificate acceptable to the district's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$45,000, payable to the order of the district to secure the district from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the district until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the district. If a bid is accepted but the district shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the district, with the district reserving the right to pursue any consequential damages arising from such default.

#### CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the district.

#### Bid Forms

All bids must be made on forms which may be procured from the district clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The district reserves the right to waive irregularities and to reject any or all bids.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned district clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at 240 S. 7th, Phillipsburg, Kansas, and must

be received by the undersigned prior to 10 a.m. C.D.T. on Wednesday, September 14, 1994.

#### Date and Delivery of Preliminary and Final Official Statement

The district has authorized the preparation and disbursement of a preliminary official statement containing information relating to the bonds. The preliminary official statement comprises the final official statement required by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the purchaser and the price or yield at which the purchaser will re-offer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the district will provide without cost to the purchaser such reasonable number of printed copies of the final official statement. Further copies, if desired, will be made available at the purchaser's expense. If the sale of the bonds is awarded to a syndicate, the district will designate the senior managing purchaser of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating purchaser. Any purchaser executing and delivering a bid form with respect to the bonds agrees thereby that if the bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating purchasers for the purpose of assuring the receipt and distribution by each such participating purchaser of the final official statement.

The district will deliver to the purchaser on the date of delivery of the bonds a certificate executed by the president and the district clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the district's preliminary official statement relating to the bonds may be obtained from the district clerk or the district's financial advisors, Chapman Securities, Inc., Wichita, Kansas (1-800-776-3780), or B.C. Christopher, Topeka, Kansas, (913) 235-9289.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the district for the year 1994 is \$20,639,543. The total general obligation bonded indebtedness of the district as of the date of the bonds, including the bonds, is \$2,250,000.

Dated September 1, 1994.

Unified School District 325  
Phillips County, Kansas  
Valerie Hanson, District Clerk  
240 S. 7th  
Phillipsburg, KS 67661  
(913) 543-5281

Doc. No. 015332

State of Kansas

## Kansas State University

## Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be opened. Interested bidders may call (913) 532-6214 or FAX (913) 532-5632 for additional information.

Monday, September 19, 1994

# 50032

Floor model centrifuge

William H. Sesler  
Director of Purchasing

Doc. No. 015315

State of Kansas

Office of the  
Securities CommissionerPermanent Administrative  
Regulations

## Article 5.—EXEMPTIONS

**81-5-7. Exchange and NASDAQ/NMS exemption.**

(a) The following securities shall be exempt under K.S.A. 1993 Supp. 17-1261(g):

(1) a security listed or approved for listing upon notice of issuance on:

- (A) the New York stock exchange;
- (B) the American stock exchange;
- (C) the Midwest stock exchange;
- (D) the Chicago board options exchange;
- (E) tier I of the Philadelphia stock exchange; or
- (F) tier I of the Pacific stock exchange;

(2) a security designated or approved for designation upon notice of issuance as a NASDAQ national market system security;

(3) any other security of the issuer of the listed or designated security which is of senior or substantially equal rank to the listed or designated security;

(4) a security issuable under rights or warrants so listed or designated; and

(5) a warrant or right to purchase or subscribe to any of the foregoing.

(b) Securities described as small-cap, emerging companies or tier II of an exchange or market system named under subsection (a) shall not be exempt under K.S.A. 1993 Supp. 17-1261(g).

(c) When deemed necessary to protect the public interest, this exemption for a specific security or category of securities may be disallowed by order of the commissioner. (Authorized by K.S.A. 1993 Supp. 17-1270(f); implementing K.S.A. 1993 Supp. 17-1261(g); effective, T-87-28, Oct. 1, 1986; amended May 1, 1987; amended Oct. 24, 1994.)

James W. Parrish  
Securities Commissioner

Doc. No. 015319

State of Kansas

## Secretary of State

Permanent Administrative  
Regulations

## Article 19.—ELECTRONIC FILING

**7-19-1. Electronic filing, definitions.** (a) "Electronically filed document" means a financing statement, amendment, continuation statement, termination statement, release, or assignment, filed pursuant to these rules and regulations.

(b) "Electronic filing" means the authorized electronic transmission of information required by the uniform commercial code and these rules, from a secured party or the secured party's representative, to the secretary of state, by filing a financing statement, amendment, continuation statement, termination statement, release, or assignment pursuant to K.S.A. 84-9-402, K.S.A. 84-9-403, K.S.A. 84-9-404, K.S.A. 84-9-405, and K.S.A. 84-9-406.

(c) "Filing party" means either the secured party or the secured party's representative authorized to make electronic filings. (Authorized by and implementing K.S.A. 1993 Supp. 84-9-402, as amended by 1994 H.B. 2693, section 2; effective, T-7-7-1-94, July 1, 1994, effective Oct. 24, 1994.)

**7-19-2. Electronic filing, authorized user.** A filing party may be authorized for electronic filing upon the written authorization of the secretary of state and the Information Network of Kansas (INK).

(a) The secretary of state and INK shall authorize a filing party for electronic filing if:

(1) the filing party has an account with INK; and

(2) the secretary of state and INK determine, after appropriate testing, that the secretary of state is capable of receiving, indexing, and retrieving the data transmitted by the filing party.

(b) The secretary of state may suspend or revoke authorization for electronic filing when, in the secretary of state's discretion, it is determined that a filing party's transmissions are incompatible with the electronic filing system, or upon notification from INK that the filing party is delinquent in payment on its account.

(c) A request to be authorized for electronic filing shall be addressed to INK, 400 S.W. 8th Ave., Topeka, KS 66603. Upon receipt of a request for authorization, INK shall notify the secretary of state. INK shall provide the requesting party with necessary information and software or specifications to test the filing party's electronic filing capabilities.

(d) If the filing party is authorized for electronic filing, INK shall assign an identification number to the filing party. If the filing party will act as a representative for another secured party, the filing party shall submit to INK a sworn statement attesting to such authorization signed by the secured party, and INK shall assign an identification number to the secured party. If the secured party terminates its relationship with the filing party, the secured party shall notify INK in writing and its identification number shall be invalidated. (Authorized by and implementing K.S.A. 1993 Supp. 84-9-402, as

(continued)

amended by 1994 H.B. 2693, section 2; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994.)

**7-19-3. Electronic filing, contents of transmission.**

(a) Each transmission of one or more documents for electronic filing shall include, in addition to the applicable requirements of K.S.A. 84-9-402 et seq., identification of the filing party in a form approved by the secretary of state and INK.

(b) An electronically filed document that requires identification of a debtor shall contain the federal tax identification number or social security number of the debtor and shall indicate whether the debtor is an individual or another entity.

(c) The secretary of state, when responding to a request for a paper copy of an electronically filed document, shall print the copy with a notation that the document is an electronically filed document. (Authorized by and implementing K.S.A. 1993 Supp. 84-9-402, as amended by 1994 H.B. 2693, section 2; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994.)

**7-19-4. Electronic filing, signature of debtor and secured party.** Each electronically filed document shall contain the signature of the debtor or secured party when required by K.S.A. 84-9-402, K.S.A. 84-9-403, K.S.A. 84-9-404, K.S.A. 84-9-405, or 84-9-406.

(a) For each electronically filed document requiring the signature of the debtor, the name of the debtor shall be transmitted in a field designated as the debtor signature field. The secured party shall maintain an original writing signed by the debtor in which the debtor adopts the contents of the debtor signature field with the intent to authenticate the electronically filed document. The original writing shall be in the following form:

**"Authentication of Electronically Filed Document**

I, the undersigned, authorize (insert name of secured party) to transmit (insert contents of debtor signature field) to the secretary of state of Kansas for the purpose of authenticating an electronically filed document described as follows:

Document (check document being filed)	Description (provide brief collateral description)
<input type="checkbox"/> UCC financing statement	
<input type="checkbox"/> UCC continuation	
<input type="checkbox"/> UCC release	
<input type="checkbox"/> UCC assignment	
<input type="checkbox"/> UCC termination	
<input type="checkbox"/> UCC amendment	

I hereby adopt the symbol transmitted to the secretary of state of Kansas and designated in the preceding paragraph, with the intent to authenticate the document described above, as required by K.A.R. 7-19-4.

Name of Debtor \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Date \_\_\_\_\_"

(b) For the signature of the secured party, a symbol designated as the secured party's signature shall be transmitted in the secured party signature field. The transmission of the symbol in the secured party signa-

ture field shall indicate that the secured party maintains a writing signed by the secured party in which the secured party adopts the symbol with the intent to authenticate the electronically filed document. (Authorized by and implementing K.S.A. 1993 Supp. 84-9-402, as amended by 1994 H.B. 2693, section 2; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994.)

**7-19-5. Electronic filing, identification of secured party.** When a rule and regulation governing electronic filing requires the name of the secured party, the name of the secured party of record, or the address of the secured party, the filing party shall transmit to the secretary of state and INK a secured party identification number designated by INK. (Authorized by and implementing K.S.A. 1993 Supp. 84-9-402, as amended by 1994 H.B. 2693, section 2; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994.)

**7-19-6. Electronic filing, date of filing, tender of filing fee.** (a) An electronically filed document shall be deemed to have been filed on the date and at the time the transmission is received and confirmed by the secretary of state.

(b) The filing party shall be provided by the secretary of state, through INK, with a confirmation of all documents in a transmission that meet the requirements of these rules and regulations, the date and time of filing, and a statement within the confirmation that the filing party's INK account has been assessed the filing fees.

(c) A document transmitted to the secretary of state that does not contain the information required by these rules and regulations shall not be filed, and the filing party shall be provided by the secretary of state, through INK, with a notice that identifies the document and states the reason for rejection of the document. (Authorized by and implementing K.S.A. 1993 Supp. 84-9-402, as amended by 1994 H.B. 2693, section 2; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994.)

Bill Graves  
Secretary of State

Doc. No. 015317

**State of Kansas**

**Department of Health  
and Environment**

**Permanent Administrative  
Regulations**

**Article 29.—SOLID WASTE MANAGEMENT**

**28-29-100. Applicability.** (a) The provisions of K.A.R. 28-29-100 through K.A.R. 28-29-121 shall apply to all municipal landfills receiving waste on or after October 9, 1991. Facilities receiving waste after October 9, 1991, but that stop receiving waste before October 9, 1993 shall only be subject to the final cover requirements in K.A.R. 28-29-121.

(b) An existing unit or lateral expansion receiving flood-related waste from federally-designated areas within the major disaster areas declared by the president during the summer of 1993 pursuant to 42 U.S.C. 5121

*et seq.*, shall be designated by the director of the division of environment in accordance with the following:

(1) If it is determined by the director of the division of environment that a unit is needed to receive flood-related waste from a federally-designated disaster area, as specified in this regulation, that unit may continue to accept waste up to April 9, 1994 without being subject to the requirements of K.A.R. 28-29-100 through K.A.R. 28-29-121, except as provided in (a) of this regulation.

(2) Any unit that receives an extension in accordance with paragraph (b)(1) of this section may continue to accept waste up to an additional six months beyond April 9, 1994 without being subject to the requirements of K.A.R. 28-29-101 through K.A.R. 28-29-121, except as provided in subsection (a) of this regulation, if it is determined by the director of the division of environment that the unit is still needed to receive flood-related waste from a federally-designated disaster area as specified in this regulation.

(3) In no case shall a unit receiving an extension under paragraphs (b)(1) or (b)(2) of this regulation accept waste beyond October 9, 1994 without being subject to K.A.R. 28-29-101 through K.A.R. 28-29-121.

(c) Any unit that meets the small landfill requirements of K.A.R. 28-29-103 may accept waste up to October 9, 1995 without being subject to the requirements of K.A.R. 28-29-100 through K.A.R. 28-29-121, except as provided in subsection (a) of this regulation.

(d) Any portions of K.A.R. 28-29-101 through 28-29-121 which contain requirements different from those contained in K.A.R. 28-29-23 shall supersede the requirements of K.A.R. 28-29-23. (Authorized by K.S.A. 1993 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

**28-29-101. Definitions.** (a) Except as stated in this regulation, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this regulation shall be the same as that applied to the same words or terms in the solid waste management act, K.S.A. 65-3401 *et seq.*

(b) "Aquifer" means saturated soils and geologic materials that are sufficiently permeable to readily yield quantities of water to wells, springs, or streams under ordinary hydraulic gradients and whose boundaries can be identified and mapped from hydrogeologic data. This term shall include all hydraulically connected aquifers.

(c) "Department" means the Kansas department of health and environment.

(d) "Design period" means the operating life of the solid waste landfill facility plus the post-closure care period.

(e) "Detection monitoring system" means a network of wells established to detect releases from a landfill unit.

(f) "Director" means the director of the division of environment, Kansas department of health and environment.

(g) "Disturbed areas" means those areas within a facility that have been physically altered during waste disposal operations or during the construction of any part of the facility.

(h) "Earth liners" means structures constructed from naturally occurring soil material that has been compacted to achieve a low permeability.

(i) "Existing unit" means a unit that is completely constructed and receiving waste as of the appropriate date specified in K.A.R. 28-29-100.

(j) "Facility" means a site and all equipment and fixtures on a site used to treat, process, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage or disposal operation. All structures used in connection with or to facilitate the waste disposal operation shall be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

(k) "Gas collection system" means a system of wells, trenches, pipes and other related ancillary structures including manholes, compressor housings, and monitoring installations that collect and transport the gas produced in a municipal solid waste landfill to one or more gas processing points. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

(l) "Gas venting system" means a system of wells, trenches, pipes and other related structures that vents the gas produced in a municipal solid waste landfill to the atmosphere.

(m) "Geomembrane" means an essentially impermeable membrane used with foundation, soil, rock, earth, or any other geotechnical engineering-related material as an integral part of a human-made structure or system designed to limit the movement of liquid or gas in the system.

(n) "Geotextile" means any permeable textile used with foundation, soil, rock, earth or any other geotechnical engineering-related material as an integral part of a human-made structure or system designed to provide planar flow for drainage, or to serve as a cushion to protect geomembranes, or to provide structural support.

(o) "Land application unit" means an area where wastes are spread over or disced into land or otherwise applied so as to become incorporated into the soil.

(p) "Leachate" means liquid that has been or is in direct contact with a solid waste that has been deposited in a municipal solid waste landfill unit.

(q) "Lift" means an accumulation of waste that is compacted into a unit and over which cover material is placed.

(r) "Municipal solid waste landfill (MSWLF)" means a solid waste disposal area in which residential waste is placed for disposal. A MSWLF also may receive other nonhazardous wastes, including commercial solid waste, sludge, and industrial solid waste.

(s) "National pollutant discharge elimination system (NPDES)" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under the clean water act, 33 U.S.C. 1251, *et seq.* "NPDES permit" means a permit issued under the NPDES program.

(continued)

(t) "New facility" or "new unit" means a MSWLF or a unit at a facility, in which one or more of the following conditions apply:

(1) it is a permitted or unpermitted MSWLF or unit that has not accepted any waste as of October 9, 1993; or

(2) it is an existing MSWLF or unit whose lateral boundaries are increased after the effective date specified in K.A.R. 28-29-100.

(u) "100-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 100 years.

(v) "Operating record" means a compilation or reports, plans, specifications, monitoring data, or other information required to be kept on site pursuant to these regulations.

(w) "Operator" means the person or persons responsible for the operation and maintenance of a solid waste disposal facility or part of a facility.

(x) "Owner" means the person or persons who own a facility or part of a facility.

(y) "Permit area" means the entire approved horizontal and vertical area occupied by a permitted solid waste disposal facility.

(z) "Person" means any individual, partnership, firm, trust, company, association, corporation, individual or individuals having controlling or majority interest in a corporation, institution, political subdivision, state agency, or federal department or agency.

(aa) "Point of compliance" means a specified horizontal distance in the downgradient direction from the edge of a MSWLF unit's planned design. The point of compliance shall be the point at which an owner or operator demonstrates compliance with the liner performance standard, if applicable, and with the groundwater protection standard.

(bb) "Professional engineer" means a person who has registered and obtained a license to practice engineering from the state board of technical professions pursuant to K.S.A. 74-7001, *et seq.*

(cc) "Land surveyor" means a person who has received a license to practice land surveying from the state board of technical professions pursuant to K.S.A. 74-7001, *et seq.*

(dd) "Publicly owned treatment works (POTW)" means a treatment works that is owned by the United States of America, the state of Kansas, or a unit of local government. This definition shall include any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastewater. It shall include sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant.

(ee) "Run-off" means water resulting from precipitation that flows overland from any part of a facility before it enters a defined stream channel or any portion of such overland flow that infiltrates into the ground before it reaches the stream channel.

(ff) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

(gg) "Salvaging" means the controlled removal of reusable materials from solid waste.

(hh) "Scavenging" means the removal of materials from a solid waste management facility or unit that is not salvaging.

(ii) "Settlement" means subsidence caused by waste loading, changes in groundwater level, and chemical changes within the soil and adjacent operations involving excavation.

(jj) "Significant modifications" means substantial alterations, changes, additions, or deletions to a facility, facility operations, facility ownership, or facility financial status which occurred after permit issuance.

(kk) "Special waste" means any solid waste that, due to physical, chemical, or biological characteristics, may:

(1) present concerns regarding handling, owner or operator safety, management, or disposal; and

(2) require special management standards.

(ll) "Static safety factor" means the ratio between resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure.

(mm) "Surface impoundment" means a natural topographic depression, a man-made excavation, or a diked area into which flowing wastes, such as liquid wastes or wastes containing free liquids, are placed. For the purposes of K.A.R. 28-29-100 through K.A.R. 28-29-121, a surface impoundment shall not be considered a landfill.

(nn) "25-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 25 years.

(oo) "Unit" means a contiguous area used for solid waste disposal.

(pp) "Uppermost aquifer" means the first aquifer likely to be impacted by contamination from the facility.

(1) This includes the migration pathway to that unit and extends to the first demonstrated aquiclude.

(2) This definition shall also include perched water tables, which are locally elevated watertables above a discontinuous low permeability layer within a relatively higher permeability layer.

(qq) "Vertical expansion" means an increase in the design capacity of an existing unit by raising the final elevation of the unit.

(rr) "Waste pile" means an area on which non-containerized masses of solid, non-flowing wastes are placed for temporary storage. For the purposes of K.A.R. 28-29-100 through K.A.R. 28-29-121, a waste pile shall not be considered a landfill.

(ss) "Working face" means any part of a MSWLF where waste is being disposed. (Authorized by K.S.A. 1993 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

#### **28-29-102. Location restrictions. (a) Airport safety.**

(1) Each owner or operator of a new MSWLF unit and existing MSWLF unit which is located within 10,000 feet (3,048 meters) of any airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any airport runway end used by only piston-type aircraft, shall demonstrate to the department that the unit is designed and operated so that the unit does not pose a bird hazard to aircraft.

(2) Each owner or operator proposing to site a new unit within a five-mile radius of any airport runway end

used by turbojet or piston-type aircraft shall notify the affected airport and the federal aviation administration (FAA).

(3) The owner or operator shall place a copy of the demonstration in the operating record.

(4) For purposes of this subsection:

(A) "Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(B) "Bird hazard" means an increase in the likelihood of bird and aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(b) Floodplains.

(1) Owners or operators of new MSWLF units and existing MSWLF units located in 100-year floodplains must demonstrate to the department that the unit will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health and the environment.

(2) The owner or operator shall place a copy of the demonstration in the operating record.

(3) For purposes of this subsection:

(A) "Floodplain" means the lowland and relatively flat areas adjoining inland waters, including flood-prone areas that are inundated by the 100-year flood.

(B) "100-year flood" means a flood that has a 1% or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period.

(C) "Washout" means the carrying away of solid waste by waters of the base flood.

(c) Wetlands.

(1) New MSWLF units shall not be located in wetlands, unless the owner or operator demonstrates to the department that:

(A) there is no practicable alternative to the proposed MSWLF that does not also involve wetlands;

(B) the construction and operation of the unit will not:

(i) cause or contribute to violations of any applicable Kansas water quality standard;

(ii) violate any applicable toxic effluent standard prohibition under section 307 of the clean water act, 33 U.S.C. 1317;

(iii) jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the endangered species act of 1973; and

(iv) violate any requirement under the marine protection, research, and sanctuaries act of 1972 for the protection of a marine sanctuary;

(C) the unit will not cause or contribute to significant degradation of wetlands. The owner or operator shall demonstrate the integrity of the unit and its ability to protect ecological resources by addressing the following factors:

(i) erosion, stability, and migration potential of native wetland soils, muds and deposits used to support the unit;

(ii) erosion, stability, and migration potential of dredged and fill materials used to support the unit;

(iii) the volume and chemical nature of the waste managed in the unit;

(iv) impacts on fish, wildlife, and other aquatic resources and their habitat from release of the solid waste;

(v) the potential effects of catastrophic release of waste to the wetland and the resulting impacts on the environment; and

(vi) any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected;

(D) steps have been taken to attempt to achieve no net loss of wetlands, as defined by acreage and function, by first avoiding impacts to wetlands to the maximum extent practicable, then minimizing unavoidable impacts to the maximum extent practicable, and finally offsetting remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions, including restoration of existing degraded wetlands or creation of man-made wetlands; and

(E) sufficient information is available to make a reasonable determination with respect to these demonstrations.

(2) The owner or operator shall place a copy of the demonstration in the operating record.

(3) For purposes of this subsection, "wetlands" means those areas that meet the definition provided in the "Corps of Engineers Wetland Delineation Manual - Technical Report Y-87-1," as published January, 1987 by the Department of the Army Waterways Experiment Station, Corps of Engineers.

(d) Fault areas.

(1) New MSWLF units shall not be located within 60 meters (200 feet) of a fault that has had displacement in holocene time unless the owner or operator demonstrates to the department that an alternative setback distance of less than 60 meters (200 feet) will prevent damage to the structural integrity of the unit and will be protective of human health and the environment.

(2) The owner or operator shall place a copy of the demonstration in the operating record.

(3) For the purposes of this subsection:

(A) "Fault" means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

(B) "Displacement" means the relative movement of any two sides of a fault measured in any direction.

(C) "Holocene" means the most recent epoch of the quaternary period, extending from the end of the pleistocene epoch to the present.

(e) Seismic impact zones.

(1) New MSWLF units shall not be located in seismic impact zones, unless the owner or operator demonstrates to the department that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

(2) The owner or operator shall place a copy of the demonstration in the operating record.

(3) For the purpose of this subsection the following definitions shall apply:

(A) "Seismic impact zone" means an area with a 10% or greater probability that the maximum horizontal ac-

(continued)

celeration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10g in 250 years.

(B) "Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90% or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

(C) "Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term shall not include human-made materials, including fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

(f) Unstable areas.

(1) Owners or operators of new MSWLF units and existing units located in an unstable area shall demonstrate to the department that engineering measures have been incorporated into the unit's design to ensure that the integrity of the structural components of the MSWLF unit will not be disrupted. The owner or operator shall consider the following factors, at a minimum, when determining whether an area is unstable:

(A) on-site or local soil conditions that may result in significant differential settling;

(B) on-site or local geologic or geomorphologic features; and

(C) on-site or local human-made features or events both surface and subsurface.

(2) The owner or operator shall place a copy of the demonstration in the operating record.

(3) For purposes of this subsection:

(A) "Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the MSWLF structural components responsible for preventing releases from a landfill. Unstable areas may include poor foundation conditions, areas susceptible to mass movements, and karst terranes.

(B) "Structural components" means liners, leachate collection systems, final covers, run-on systems, run-off systems, and any other component used in the construction and operation of the MSWLF that is necessary for protection of human health and the environment.

(C) "Poor foundation conditions" means those areas where features exist which indicate that a natural or human-induced event may result in inadequate foundation support for the structural components of an MSWLF unit.

(D) "Areas susceptible to mass movement" means those areas of influence including areas characterized as having an active or substantial possibility of mass movement, where the movement of earth material at, beneath, or adjacent to the MSWLF unit, because of natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement may include:

(i) landslides;

(ii) avalanches;

(iii) debris slides and flows;

(iv) soil fluctuation;

(v) block sliding; and

(vi) rock fall.

(E) "Karst terranes" means areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terranes may include:

(i) sinkholes;

(ii) sinking streams;

(iii) caves;

(iv) large springs; and

(v) blind valleys.

(g) Closure of existing MSWLF units.

(1) Existing units that cannot make the demonstration pertaining to airports, floodplains, or unstable areas, shall close by October 9, 1996, in accordance with K.A.R. 28-29-121 and conduct post-closure activities in accordance with K.A.R. 28-29-121.

(2) The deadline for closure required by subsection (g)(1) may be extended up to two years if the owner or operator demonstrates to the department that there is no:

(A) available alternative disposal capacity; and

(B) immediate threat to human health and the environment.

(h) Kansas historic preservation act. Each new MSWLF unit shall be located so as not to pose a threat of harm or destruction to the essential features of an irreplaceable historic or archaeological site that is listed pursuant to the Kansas historic preservation act, K.S.A. 75-2716 and 75-2724.

(i) Endangered species conservation act. Each new MSWLF unit shall be located so as not to:

(1) jeopardize the continued existence of any designated endangered species;

(2) result in the destruction or adverse modification of the critical habitat listed for such species; or

(3) cause or contribute to the taking of any endangered or threatened species of plant, fish or wildlife listed pursuant to the endangered species act 16 U.S.C. 1531 *et seq.*, or Kansas non-game and endangered species conservation act, K.S.A. 32-957 *et seq.*, and K.S.A. 32-1009 *et seq.*

(j) Buffer zones.

(1) No part of a newly permitted MSWLF unit shall be located closer than 152 meters (500 feet) from an occupied dwelling, school, or hospital that was occupied on the date when the owner or operator first applied for a permit to develop the unit or the facility containing the unit, unless the owner of such dwelling, school, or hospital consents in writing.

(2) All newly permitted MSWLF units shall maintain a minimum 46 meters (150 feet) buffer from the edge of the planned MSWLF unit to the owner's or operator's property line.

(3) The owner or operator may petition the director for a reduction in the buffer zone distances, provided the county commission of the county in which the landfill is located approves the request.

(k) Navigable streams.

(1) A new MSWLF unit shall not be located within one-half mile of a navigable stream used for interstate commerce.

(2) For purposes of this subsection, "navigable stream" means any water defined as navigable water of the United States under 33 CFR Part 329 as in effect on July 1, 1993.

(3) The provisions of this subsection shall not apply to:

(A) lateral expansion onto land contiguous to a permitted MSWLF in operation on July 1, 1991; or

(B) renewal of an existing permit for a permitted MSWLF on July 1, 1991.

(l) Public drinking water supplies.

(1) No new MSWLF shall be located within one mile of a surface water intake source for a public water supply system.

(2) For purposes of this subsection:

(A) "Surface water" means any water defined under K.A.R. 28-15-11.

(B) "Public water supply system" means any system defined under K.A.R. 28-15-11. (Authorized by K.S.A. 1993 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

**28-29-103. Small landfills.** (a) Any owner or operator of a new or existing municipal landfill may request an exemption from the design requirements in K.A.R. 28-29-104 if:

(1) the MSWLF receives and disposes of less than 20 tons of municipal solid waste daily, based on an annual average;

(2) there is no evidence of groundwater contamination from the MSWLF;

(3) the MSWLF is in an area that annually receives less than or equal to 25 inches of precipitation; and

(4) the community or communities utilizing the MSWLF have no practicable waste management alternative.

(b) Any owner or operator requesting the small landfill exemption shall demonstrate compliance by April 9, 1994 with the conditions in subsection (a) by submitting documentation to the department for review and approval:

(1) that the MSWLF meets the condition in paragraph (a)(1) by providing actual records of past operations or estimates of the amount of solid waste disposed on a daily basis;

(2) that the MSWLF meets the condition in paragraph (a)(2) based on site-specific data;

(3) that the MSWLF meets the condition in paragraph (a)(3) based on climatic data obtained for a minimum 30 year averaging period; and

(4) that the MSWLF meets the condition in paragraph (a)(4) by:

(A) showing to the department that the closest MSWLF is more than 75 miles away; or

(B) written certification from the board of county commissioners in the county where the landfill is located that a landfill located less than 75 miles away is not a practicable alternative.

(c) The owner or operator of each small landfill which meets the exemption criteria shall be subject to the location restrictions, the operating standards, the groundwater monitoring standards, the closure and post-closure standards, and the financial assurance standards for municipal solid waste landfills. The owner or operator of each new small landfill meeting the exemption criteria shall be subject to the design criteria in subsection (e) below.

(d) Any existing unit that is not filled to its permitted design capacity by October 9, 1996 shall be considered a vertical expansion subject to the standards in K.A.R. 28-29-104(a)(2), or shall be considered a new unit, and shall be subject to the design criteria in subsections (e) or (f) below.

(e) Construction of liners.

(1) Each new small landfill or unit meeting the exemption criteria in subsection (a) shall be constructed with:

(A) a liner consisting of:

(i) a minimum of two feet of compacted clay with a hydraulic conductivity of no more than  $1 \times 10^{-6}$  cm/sec; and

(ii) a leachate collection system; or

(B) an equivalent liner, including *in situ* conditions, and leachate collection system approved by the director.

(i) The equivalent liner design shall demonstrate that the concentration values listed in table 1 or K.A.R. 28-29-104(e) shall not be exceeded in the uppermost aquifer at the point of compliance based on fate and transport modeling of predicted landfill leachate.

(ii) The point of compliance shall be within 150 meters (492 feet) of the edge of the planned unit boundary.

(iii) The point of compliance shall be on the owner's or operator's property and shall be at least 15.24 meters (50 feet) from the property boundary.

(2) When approving an equivalent design that complies with this paragraph, the department shall consider at least the following factors:

(A) the hydrogeologic characteristics of the facility and surrounding land;

(B) the climatic factors of the area; and

(C) the volume and physical and chemical characteristics of the leachate. The design's performance shall be evaluated at maximum annual leachate flow conditions.

(3) Approval of alternate designs shall be considered by the department when:

(A) the technology or material has been successfully utilized in at least one application similar to the proposed application; and

(B) methods for ensuring quality control during the manufacture and construction of the liner can be implemented; or

(C) *in situ* material meets the performance standard described in paragraph (e)(1)(B) of this regulation.

(f) In lieu of the equivalent liner demonstration in paragraph (e)(1)(B), the owner or operator may demonstrate that *in situ* material meets the equivalent liner performance standard by submitting the following information for each new small landfill unit:

(1) evidence that the unit is greater than 1 mile from a public drinking water intake;

(continued)

(2) data from a minimum of one centrally-located boring that provides a soil profile to a depth of:

(A) 46 meters (150 feet); or

(B) a point where a minimum of 10 feet of  $1 \times 10^{-9}$  material is encountered;

(3) data from a minimum of four additional borings of sufficient depths to make the certification in paragraph (f)(6) of this regulation;

(4) laboratory soil permeability data sufficient to make the certification in paragraph (f)(6) of this regulation;

(5) evidence that the highest watertable of any underlying groundwater is a minimum of 1.5 meters (five feet) below the bottom of the material used to make the demonstration that the *in situ* material meets the equivalent liner performance standard; and

(6) certification from a professional engineer licensed in Kansas that the *in situ* material:

(A) has a permeability equivalent to two feet of  $1 \times 10^{-6}$  cm/sec material; and

(B) shows consistency in all boring data.

(g) The owner or operator shall document in the operating record that the landfill unit meets the liner standards in subsections (e) or (f) of this regulation. (Authorized by K.S.A. 1993 Supp. 65-3406; Sec. 2; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

**28-29-104. Design standards.** (a) General design standards.

(1) Existing units. Any portion of a trench or area of an existing unit not filled to its permitted design capacity by October 9, 1996, shall be considered a vertical expansion subject to the standards in K.A.R. 28-29-104(a)(2), or a new unit subject to the standards in K.A.R. 28-29-104(a)(3).

(2) Vertical expansions.

(A) Any proposed vertical expansion shall be considered a significant modification to the facility and subject to permit modification procedural requirements.

(B) Any proposed vertical expansion shall meet the following requirements, in addition to any other applicable MSWLF regulations.

(i) A hydrogeologic site assessment shall be conducted in compliance with K.A.R. 28-29-104(b).

(ii) A groundwater monitoring well system shall be in place, pursuant to K.A.R. 28-29-111.

(iii) The owner or operator shall operate the landfill in a manner that minimizes leachate generation.

(iv) If groundwater contamination is detected, the owner or operator of the proposed vertical expansion shall initiate an assessment of corrective measures, pursuant to K.A.R. 28-29-114(a)(1).

(v) The final cover design shall meet the requirements of K.A.R. 28-29-121(e)(1).

(vi) Local planning and zoning approval shall be obtained from the appropriate jurisdictional body.

(vii) The owner or operator shall secure certification from the board of county commissioners that the vertical expansion is in conformance with the official county or regional solid waste management plan.

(C) A vertical expansion over a closed unit which has received final cover shall be classified as a new unit, and therefore subject to the design standards for new units.

(D) In evaluating a proposed vertical expansion, the department shall consider the following factors:

(i) The impact of the proposed vertical expansion on human health and the environment rather than other alternatives, including a new unit;

(ii) the capacity needs of the community or communities and the region using the landfill;

(iii) the proposed operating life of the vertical expansion; and

(iv) the inclusion or exclusion of the landfill in a regional solid waste management plan.

(E) The expiration date for a permit modified to allow for a vertical expansion shall not exceed five years from the date the modified permit is issued. At the end of the initial five year period, and any subsequent five year period, the owner may submit a request for an additional five-year permit. The request shall include an assessment of the environmental impact of the vertical expansion. Based on an evaluation of the environmental impact, the permit shall either be denied, or renewed for a period not to exceed five additional years by the director.

(3) New units.

(A) All new units shall be equipped with a leachate drainage and collection system and liner designed as an integrated system in compliance with the requirements of this section.

(B) The design period for new municipal landfills shall be the estimated operating life plus 30 years of post-closure care.

(b) Hydrogeologic site investigations.

(1) The owner or operator of a proposed MSWLF unit shall conduct a hydrogeologic investigation to develop information for the following purposes:

(A) providing information to determine an appropriate design for the unit; and

(B) providing information to establish a groundwater monitoring system.

(2) Prior to submitting an application to the department for a permit to develop and operate a MSWLF or to design a groundwater monitoring system, the hydrogeologic site investigation shall be conducted in a minimum of two phases, unless the department approves conducting the two phases concurrently.

(A) The purpose of the phased study shall be to allow for the consideration by the department of information gathered during phase I prior to proceeding with phase II.

(B) If the owner or operator of an existing MSWLF has already compiled sufficient data to fulfill the requirements of the hydrogeologic investigation, this information may be submitted to the department in lieu of conducting a new assessment.

(3) For the purposes of the hydrogeologic investigation set forth in paragraph (b)(1), the area to be investigated shall consist of the entire area occupied by the facility and any adjacent areas, if necessary to fully characterize the site.

(4) All borings shall be sampled continuously except where continuous sampling is impossible or where interval sampling or sampling at recognizable points of geologic variation will provide satisfactory information.

Sampling intervals shall not exceed 1.52 vertical meters (5 feet).

(5) The phase I hydrogeologic investigation shall consist of the following items:

(A) A minimum of one continuously sampled boring shall be drilled on the site, as close as possible to the geographic center, to determine if available regional hydrogeologic setting information is accurate and to characterize the site-specific hydrogeology to the extent specified by this phase of the investigation. The boring shall extend to the bottom of the uppermost aquifer. This boring shall be constructed so that it will not provide a conduit for contaminant migration to a lower aquifer or formation.

(B) The following information shall be gathered by the owner or operator:

- (i) climatic aspects of the study area;
- (ii) the regional and study area geologic and hydrogeologic setting, including a description of the geomorphology and stratigraphy of the area and aquifer characteristics, including water table depths; and
- (iii) any other information needed for the purpose of designing a phase II hydrogeologic investigation.

(C) The information from the phase I investigation shall be compiled in a report and submitted with evaluations and recommendations to the department for review and approval.

(D) The results and conclusions of the phase I report shall be certified by a qualified groundwater scientist.

(6) The phase II hydrogeologic investigation shall consist of the following items:

(A) One boring shall be located as close as possible to the topographical high point, and another shall be located as close as possible to the topographical low point of the study area.

(B) Additional borings shall be made in order to characterize the subsurface geology of the entire study area.

(C) Piezometers and groundwater monitoring wells shall be established to determine the direction and flow characteristics of the groundwater in all strata and extending down to the bottom of the uppermost aquifer. Groundwater samples taken from the monitoring wells shall be used to develop preliminary information needed for establishing background concentrations.

(D) The owner or operator shall gather the following site-specific information, as necessary, to augment the data collected during the phase I investigation:

- (i) chemical and physical properties including, but not limited to, lithology, mineralogy, and hydraulic characteristics of underlying strata including those below the uppermost aquifer;
- (ii) soil characteristics, including soil types, distribution, geochemical and geophysical characteristics;
- (iii) hydraulic conductivities of the uppermost aquifer and all strata above it;
- (iv) vertical extent of the uppermost aquifer;
- (v) direction and rate of groundwater flow; and
- (vi) concentrations of chemical constituents present in the groundwater below the unit, down to the bottom of the uppermost aquifer, using a broad range of chemical analysis and detection procedures such as gas chromatographic and mass spectrometric scanning.

(E) The owner or operator shall evaluate the data gathered during the phase I and phase II investigations and prepare a report for submittal to the department that contains the following information:

- (i) structural characteristics and distribution of underlying strata, including bedrock;
- (ii) characterization of potential pathways for contaminant migration;
- (iii) correlation of stratigraphic units between borings;
- (iv) continuity of petrographic features including, but not limited to, sorting, grain size distribution, cementation and hydraulic conductivity;
- (v) identification of the confining layer, if present;
- (vi) characterization of the seasonal and temporal, naturally and artificially induced, variations in groundwater quality and groundwater flow;
- (vii) identification of unusual or unpredicted geologic features, including fault zones, fracture traces, facies changes, solution channels, buried stream deposits, cross cutting structures and other geologic features that may affect the ability of the owner or operator to monitor the groundwater or predict the impact of the disposal facility on groundwater; and
- (viii) recommendations for landfill siting and conceptual design for the department to review and approve.

(F) The results and conclusions of the phase II report shall be certified by a qualified groundwater scientist.

(c) Foundation and mass stability analysis.

(1) The material beneath the unit shall have sufficient strength to support the weight of the unit during all phases of construction and operation. The loads and loading rate shall not cause or contribute to the failure of the liner or leachate collection system.

(2) The total settlement or swell of the foundation shall not cause or contribute to the failure of the liner or leachate collection system.

(3) The solid waste disposal unit shall be designed to achieve a safety factor during the design period against bearing capacity failure of at least 2.0 under static conditions and 1.5 under seismic loadings.

(4) The waste disposal unit shall be designed to achieve a factor of safety against slope failure during the design period of at least 1.5 for static conditions and 1.3 under seismic conditions.

(5) The liner and leachate collection system shall be stable during all phases of construction and operation. The side slopes shall achieve a minimum static safety factor of 1.5 and a minimum seismic safety factor of 1.3 at all times.

(6) In calculating factors of safety, both long term, in tens or hundreds of years, and short term, over the design period of the facility, conditions expected at the facility shall be considered.

(7) The potential for earthquake or blast-induced liquefaction, and its effect on the stability and integrity of the unit shall be considered and taken into account in the design. The potential for landslides or earthquake-induced liquefaction outside the unit shall be considered if such events could affect the unit.

(d) Foundation construction.

(1) If the *in situ* material provides insufficient strength to meet the requirements of subsection (c), then the in-

(continued)

sufficient material shall be removed and replaced with clean materials sufficient to meet the requirements of subsection (c).

(2) All trees, stumps, roots, boulders and debris shall be removed.

(3) All material shall be compacted to achieve the strength and density properties necessary to demonstrate compliance with this part.

(4) Placement of frozen soil or soil onto frozen ground shall be prohibited.

(5) The foundation shall be constructed and graded to provide a smooth, workable surface on which to construct the liner.

(e) Liner standards.

(1) New MSWLF units shall be constructed:

(A) with a composite liner and a leachate collection system that is designed and constructed in accordance with subsections (g), (h), and (i). For purposes of this regulation, "composite liner" means a system consisting of two components. The upper component shall consist of a minimum 30-mil geomembrane, the lower component shall consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec. Geomembrane components consisting of high density polyethylene (HDPE) shall be at least 60-mil thick. The geomembrane component shall be installed in direct and uniform contact with the compacted soil component in order to minimize the migration of leachate through the geomembrane should a break occur; or

(B) in accordance with an alternative design approved by the department. The design shall demonstrate that the concentration values listed in table 1 below will not be exceeded in the uppermost aquifer at the point of compliance. The point of compliance shall be within 150 meters (492) feet of the edge of the planned unit boundary. In addition, the point of compliance shall be on the owner's or operator's property and shall be at least 15.24 meters (50 feet) from the property boundary.

(2) When approving a design that complies with paragraph (1)(B), the department shall consider at least the following factors:

(A) the hydrogeologic characteristics of the facility and surrounding land;

(B) the climatic factors of the area; and

(C) the volume and physical and chemical characteristics of the leachate. The design's performance shall be evaluated at maximum annual leachate flow conditions.

(3) Approval of alternate designs shall be considered by the department only when:

(A) the technology or material has been successfully utilized in at least one application similar to the proposed application; and

(B) methods for ensuring quality control during the manufacture and construction of the liner can be implemented.

(4) The owner or operator shall document in the operating record that the liner meets the liner standards in K.A.R. 28-29-104(e)(1)(A) or (B).

TABLE 1—MAXIMUM CONTAMINANT LEVELS

Chemical MCL (mg/l)

Arsenic	0.05
Barium	1.0
Benzene	0.005
Cadmium	0.005
Carbon tetrachloride	0.005
Chromium (hexavalent)	0.1
2,4-Dichlorophenoxy acetic acid	0.1
1,4-Dichlorobenzene	0.075
1,2-Dichlorobenzene	0.6
1,2-Dichloroethane	0.005
1,1-Dichloroethylene	0.007
cis-1,2-Dichloroethylene	0.07
trans-1,2-Dichloroethylene	0.1
1,2 Dichloropropane	0.005
Endrin	0.0002
Ethylbenzene	0.7
Fluoride	4
Lindane	0.004
Lead	0.05
Mercury	0.002
Methoxychlor	0.1
Monochlorobenzene	0.1
Nitrate	10
Nitrite	1.0
Total Nitrate/Nitrite	10
Selenium	0.05
Silver	0.05
Styrene	0.1
Tetrachloroethylene	0.005
Toluene	1
Toxaphene	0.005
1,1,1-Trichloromethane	0.2
Trichloroethylene	0.005
2,4,5-Trichlorophenoxy acetic acid	0.01
Vinyl Chloride	0.002
Xylenes	10

(f) Liner construction.

(1) The construction and compaction of the liner shall be carried out in accordance with the approved design to reduce void spaces and allow the liner to support the loadings imposed by the waste disposal operation without settling that causes or contributes to the failure of the leachate collection system.

(2) The liner shall be constructed from materials whose properties are not affected by contact with the constituents expected to be in leachate generated by the landfill.

(3) Geomembrane liners shall be constructed in compliance with the following requirements.

(A) The geomembrane shall be supported by a compacted base free from sharp objects. The geomembrane shall be chemically compatible with the supporting soil materials.

(B) The geomembrane shall have sufficient strength and durability to function at the site for the design period under the maximum expected loadings imposed by the waste and equipment and stresses imposed by settlement, temperature, construction and operation.

(C) Seams shall be made in the field according to the manufacturer's specifications. All sections shall be arranged so that the use of field seams is minimized and

seams are oriented in the direction subject to the least amount of stress where practical.

(D) The leachate collection system shall be designed to avoid loss of leachate through openings through the geomembrane.

(g) Leachate drainage system.

(1) The leachate drainage system shall be designed and constructed to operate for the entire design period.

(2) The system shall be designed in conjunction with the leachate collection system required by subsection (h):

(A) to maintain a maximum head of leachate 0.30 meter (one foot) above the liner; and

(B) to operate during the month when the highest average monthly precipitation occurs, and if the liner bottom is located within the saturated zone, under the condition that the groundwater table is at its seasonal high level.

(3) A drainage layer shall overlay the entire liner system. This drainage layer shall be no less than 0.30 meter (one foot) thick.

(4) The drainage layer shall be designed to maintain flow throughout the drainage layer under the conditions described in paragraph (g)(2) above.

(5) Materials used in the leachate drainage system shall be chemically resistant to the wastes and the leachate expected to be produced.

(h) Leachate collection system.

(1) The leachate collection system shall be designed and constructed to function for the entire design period. The leachate collection system shall consist of conduits including pipes, trenches, or a combination of pipes and trenches.

(2) Materials used in the leachate collection system shall be chemically resistant to the leachate expected to be produced.

(3) The leachate collection system shall be designed so that leachate drains freely from the collection conduits. If sumps are used, leachate shall be removed via gravity flow, whenever possible, before the level of leachate in the sumps rises above the invert of the collection conduits under the conditions established in paragraph (g)(2) above. If gravity flow is not possible, pumping may be utilized to remove leachate, but the use of pumps shall be minimized.

(4) Collection conduits shall be designed to capture leachate for open channel flow to convey leachate under the conditions established in paragraph (g)(2) above.

(5) Collection pipe conduits.

(A) Collection pipe shall be of a cross-sectional area that allows cleaning and at least 0.10 meter (four inches) nominal inside diameter.

(B) The collection pipe material and bedding materials as placed shall possess structural strength to support the maximum loads imposed by the overlaying materials and equipment used at the facility, as well as the effects of differential settling.

(C) Collection pipes shall be constructed within a coarse gravel envelope using a graded filter or geotextile as necessary to minimize clogging.

(D) The collection pipe system shall be equipped with a sufficient number of manholes and cleanout risers to allow cleaning and maintenance of all pipes throughout the design period.

(6) Trench conduits.

(A) Trench conduits shall be designed to minimize particulate and biological clogging.

(B) Trench conduits shall be constructed to minimize movement of drainage media when a load is placed on the media.

(i) Leachate treatment and disposal system.

(1) The owner or operator shall be responsible for the operation of a leachate management system designed to handle all leachate as it is removed from the collection system. The leachate management system shall consist of any combination of storage, treatment, pretreatment, and disposal options.

(2) The leachate management system shall allow for the management and disposal of leachate during routine maintenance and repairs.

(3) Standards for leachate storage systems.

(A) The leachate storage facility shall be capable of storing a minimum of five days' worth of accumulated leachate at the maximum generation rate used in designing the leachate drainage system in accordance with subsection (g) of this regulation.

(B) Each leachate storage facility shall be equipped with secondary containment systems equivalent to the protection provided by a clay liner 0.61 meter (two feet) thick, having a permeability no greater than  $1 \times 10^{-7}$  centimeters per second.

(C) Each leachate storage system shall be fabricated from material compatible with the leachate expected to be generated and resistant to temperature extremes.

(D) The leachate storage system shall be designed to minimize odors.

(E) The leachate drainage and collection system shall not be used for the purpose of storing leachate.

(4) Standards for discharge to an off-site treatment works.

(A) Each owner or operator that discharges leachate to off-site facilities shall ensure that the receiving facility has all applicable permits or approvals in accordance with state and local water regulations.

(B) The owner or operator of a MSWLF may be required to obtain a permit or prior approval for conveyance to an off-site treatment facility.

(C) Pumps, meters, valves and monitoring stations that control and monitor the flow of leachate from the unit and which are under the control of the owner or operator shall be considered part of the facility and shall be accessible to the owner or operator at all times.

(5) Standards for leachate recycling systems.

(A) A leachate recycling system shall be utilized only at permitted waste disposal units that meet the following requirements.

(i) The unit shall have a liner designed, constructed and maintained to meet the minimum standards of paragraph (e)(1)(A) or (B) of this regulation.

(ii) The unit shall have a leachate collection system in place and operating in accordance with subsection (h) of this regulation.

(iii) The topography shall be such that any accidental leachate run-off can be controlled by ditches, berms or other equivalent control means.

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(B) Leachate shall not be recycled during precipitation events or in volumes large enough to cause run-off or surface seeps.

(C) The amount of leachate added to the unit shall not exceed the ability of the waste and cover soils to transmit leachate flow downward. All other leachate shall be considered excess leachate, and a leachate management system capable of disposing of all excess leachate shall be available.

(D) The leachate storage and distribution system shall be designed to avoid exposure of leachate to air unless aeration or functionally equivalent devices are utilized.

(E) The distribution system shall be designed to allow leachate to be evenly distributed beneath the surface over the recycle area:

(6) Leachate monitoring.

(A) Representative samples of leachate shall be collected annually from each unit and tested in accordance with paragraph (i)(6)(B) of this regulation at a frequency of once per year while the leachate management system is in operation.

(B) Discharges of leachate from MSWLFs shall be tested for the following constituents prior to treatment or pretreatment:

- (i) five-day biochemical oxygen demand (BOD<sub>5</sub>);
- (ii) total suspended solids;
- (iii) total iron;
- (iv) pH;
- (v) each of the appendix I parameters listed in K.A.R. 28-29-113; and

(vi) any other constituents as specified by the director.

(C) If it can be shown that the removed constituents are not reasonably expected to be contained in or derived from the waste contained in the unit, the list of constituents in (i)(6)(B) of this regulation may be modified by the director.

(D) An appropriate alternative frequency for repeated sampling and analysis for the constituents listed in paragraph (i)(6)(B) of this regulation, or the alternative list approved in accordance with paragraph (i)(6)(C) of this regulation, may be specified by the director during the active life, including closure, and the post-closure care period. The alternative frequency shall be based on consideration of the following factors:

- (i) leachate quantity; and
- (ii) long-term trends in leachate quality.

(7) The owner or operator shall collect and dispose of leachate for a minimum of five years after closure and thereafter until it is determined by the director that treatment is no longer necessary. (Authorized by K.S.A. 1993 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

**28-29-108. Operating standards.** (a) Excluding the receipt of hazardous waste.

(1) Owners or operators of all MSWLF units shall implement a program at the facility for detecting and preventing the disposal of regulated hazardous wastes as defined pursuant to K.A.R. 28-31-3 and K.A.R. 28-29-4, and polychlorinated biphenyls (PCB) wastes as defined in 40 CFR part 761 as in effect July 1, 1992. This program shall include, at a minimum:

(A) random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain regulated hazardous wastes or PCB wastes;

(B) records of any inspections;

(C) training of facility personnel to recognize regulated hazardous waste and PCB wastes; and

(D) notification of the department if a regulated hazardous waste or PCB waste is discovered at the facility.

(b) Daily cover.

(1) A uniform layer of at least 0.15 meter (six inches) of soil material shall be placed on all exposed waste at the end of each day of operation.

(2) Alternative materials or procedures, including the removal of daily cover prior to additional waste placement, may be used, provided that the alternative materials or procedures achieve performance equivalent to the requirements of paragraph (b)(1) in the following areas:

(A) prevention of blowing debris;

(B) minimization of access to the waste by vectors;

(C) minimization of the threat of fires at the open face;

(D) minimization of odors; and

(E) shedding precipitation.

(3) Each owner or operator wishing to use alternative materials for daily cover shall obtain approval from the department prior to application.

(c) Intermediate cover.

(1) All waste that is not to be covered within 60 days of placement by another lift of waste or final cover in accordance with K.A.R. 28-29-121 shall have a cover consisting of 0.30 meter (1 foot) of compacted soil material. In addition, any MSWLF unit that will not receive any waste for an entire growing season shall be seeded.

(2) All areas with intermediate cover shall be graded so as to facilitate drainage of run-off and minimize infiltration and standing water.

(3) The grade and thickness of intermediate cover shall be maintained until the placement of additional wastes or the final cover. All cracks, rills, gullies and depressions shall be repaired to prevent access to the solid waste by vectors, to minimize infiltration and to prevent standing water.

(d) Disease vector control.

(1) Each owner or operator of a MSWLF unit shall prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment.

(2) For purposes of this subsection, "disease vectors" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting disease.

(e) MSWLF gas monitoring.

(1) Each owner or operator of a MSWLF unit that receives putrescible waste or industrial wastes that have the potential to generate explosive gases shall establish and conduct an explosive gases monitoring program to ensure that dangerous levels of explosive gases do not occur within facility structures or at the surface or sub-surface facility boundary.

(2) The monitoring program shall ensure that:

(A) the concentration of methane gas generated by the facility does not exceed 25% of the lower explosive limit

for methane in facility structures, excluding gas control or recovery system components;

(B) the concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary; and

(C) potential gas migration pathways are identified.

(3) The minimum monitoring frequency for explosive gases shall be quarterly and shall be based on the following factors:

(A) soil conditions;

(B) the hydrogeologic conditions surrounding the facility;

(C) the hydraulic conditions surrounding the facility; and

(D) the location of facility structures and property boundaries.

(4) If methane gas levels exceeding the limits specified in paragraph (e)(2) are detected, the owner or operator shall:

(A) immediately assess the potential danger posed to human health and the environment and take all necessary steps to ensure protection of human health;

(B) within seven days of detecting a gas level exceeding the limit, notify the department and place in the operating record the methane gas levels detected and a description of the steps taken to protect human health;

(C) within 60 days of detecting a gas level exceeding the limit, develop and submit to the department a remediation plan, which provides for the installation of an active or passive gas management system; and

(D) upon approval of the department, implement the remediation plan.

(f) MSWLF gas management standards.

(1) Standards for gas venting systems.

(A) All materials used in gas venting systems shall be resistant to chemical reaction with the constituents of the gas.

(B) The gas venting system shall be capable of venting all gas down to the water table or bottom of the liner, whichever is higher.

(C) Gas venting systems shall be installed only outside the perimeter of the unit, unless it can be shown that gas venting inside the perimeter of the unit will not interfere with the liner, leachate collection system, cover, or monitoring equipment.

(2) Standards for gas collection systems.

(A) Gas collection systems may be installed either within the perimeter of the unit or outside the unit.

(B) The owner or operator shall design and operate gas collection systems so that the standards of paragraph (e)(2) are met.

(C) Gas collection systems shall transport gas to a central point or points for processing for beneficial uses or disposal in accordance with the requirements of subsection (g) of this regulation.

(D) Gas collection systems shall be designed to function for the entire design period. The design may include changes in the system to accommodate changing gas flow rates or compositions.

(E) All materials and equipment used in construction of gas collection systems shall be rated by the manufacturer as safe for use in hazardous or explosive en-

vironments and shall be resistant to corrosion by constituents of the MSWLF gas.

(F) Gas collection systems shall be designed and constructed to withstand all MSWLF operating conditions, including settlement.

(G) Gas collection systems and all associated equipment including compressors, flares, monitoring installations, and manholes shall be considered part of the facility.

(H) Provisions shall be made for collecting and draining gas condensate to the leachate management system or another management system approved by the department.

(I) A gas collection system shall not compromise the integrity of the liner, leachate collection or cover systems.

(J) The portion of each gas collection system which is used to convey the gas collected from one or more units for processing and disposal shall be tested to be airtight to prevent the leaking of gas from, or entry of air into the collection system.

(K) The gas collection system shall be operated until the waste has stabilized enough to no longer produce methane in quantities that exceed the minimum allowable concentrations set out in paragraph (e)(2) of this regulation.

(L) Each gas collection system shall be equipped with a mechanical device, capable of withdrawing gas, or shall be designed so that a mechanical device can be easily installed at a later time, if necessary, to meet the allowable concentrations set out in paragraph (e)(2).

(g) MSWLF gas processing and disposal system.

(1) Each MSWLF with a permanent gas collection system shall evaluate the feasibility of processing of MSWLF gas for use.

(2) The following MSWLF gas processing devices and disposal systems shall remain under the control of the owner or operator and shall be considered part of the facility:

(A) compressors;

(B) blowers;

(C) raw gas monitoring systems;

(D) devices used to control the flow of gas from the unit;

(E) flares;

(F) gas treatment devices; and

(G) air pollution control devices and monitoring equipment.

(3) All gas discharges and gas processing and disposal systems shall conform with all local, state and federal air quality requirements.

(h) Air criteria.

(1) Open burning shall be prohibited, except in accordance with K.A.R. 28-19-47.

(2) Methane, non-methane organic compounds and other regulated emissions shall conform with all local, state and federal air quality requirements.

(i) Boundary control.

(1) Access to the open face area of the unit and all other areas within the boundaries of the facility shall be restricted at all times to prevent unauthorized entry.

(continued)

(2) A permanent sign shall be posted at the entrance to the facility stating that disposal of hazardous waste is prohibited and, if the MSWLF is approved for accepting special wastes, that special wastes shall be accompanied by a disposal authorization issued by the department. The sign shall also include the following information:

- (A) solid waste disposal area permit number;
- (B) hours of operation;
- (C) penalty for unauthorized trespassing and dumping;

(D) name and telephone number of the appropriate emergency response agencies who shall be available to deal with emergencies and other problems, if different than the owner or operator; and

(E) name, address and telephone number of the company operating the facility.

(j) Surface water drainage.

(1) Each owner or operator of a MSWLF unit shall design, construct, and maintain:

(A) a run-on control system to prevent flow onto the active portion of the MSWLF during the peak discharge from a 24-hour, 25-year storm; and

(B) run-off control system from the active portion of the MSWLF to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

(2) Each surface water control structure shall be operated until the final cover is placed and erosional stability is provided by the vegetative or other cover.

(3) Diversion of run-off from undisturbed areas.

(A) Run-off from undisturbed areas shall be diverted around disturbed areas unless the owner or operator shows that it is impractical based on site-specific conditions.

(B) Diversion facilities shall be designed to prevent run-off from the 25-year, 24-hour precipitation event from entering disturbed areas.

(C) Run-off from undisturbed areas that becomes commingled with run-off from disturbed areas shall be handled as run-off from disturbed areas and managed in accordance with paragraph (j)(1)(B) above.

(4) The facility shall not cause the discharge of a non-point source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or state-wide water quality management plan that has been approved under section 208 or 319 of the clean water act, 33 U.S.C. 1251, et seq., as amended.

(5) The facility shall not cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the clean water act, 33 U.S.C. 1251, et seq., including, but not limited to, NPDES requirements pursuant to section 402 of the clean water act.

(k) Liquids restrictions.

(1) Bulk or noncontainerized liquid waste shall not be placed in MSWLF units unless:

(A) the waste is residential waste other than septic waste; or

(B) the waste is leachate or gas condensate derived from the MSWLF unit, and the MSWLF unit, whether it is a new or existing unit, is designed with a liner and leachate collection system as described in K.A.R. 28-29-103(e), or K.A.R. 28-29-104(e)(1)(A) or (B).

(2) Containers holding liquid waste shall not be placed in a MSWLF unit unless the:

(A) container is a small container similar in size to that normally found in residential waste;

(B) container is designed to hold liquids for use other than storage; or

(C) waste is residential waste.

(3) For purposes of this subsection:

(A) "liquid waste" means any waste material that is determined to contain "free liquids" as defined by method 9095 paint filter liquids test, as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Pub. No. SW-846 dated November 1986; and

(B) "gas condensate" means the liquid generated as a result of gas collection and recovery process or processes at the MSWLF unit.

(l) Survey controls.

(1) The boundaries of all waste disposal units, property boundaries, disturbed areas, and the permit area for facilities subject to this part shall be surveyed and marked by a professional land surveyor. All stakes shall be clearly marked, inspected annually, and replaced if missing or damaged.

(2) Control monuments shall be established to check vertical elevations. The control monuments shall be established and maintained by a professional land surveyor.

(m) Compaction.

(1) All wastes shall be deposited in the smallest practical area and shall occur at the lowest part of the active face. Wastes may be deposited at locations other than the lowest part of the active face, if site conditions do not allow deposition of wastes at the lowest part of the active face, or if locations other than the lowest part of the active face are in the approved facility operational plan.

(2) All wastes shall be compacted to the highest achievable density necessary to minimize void space and settlement unless precluded by extreme weather conditions.

(n) Phasing of operations.

(1) Waste shall be placed in a manner and at such a rate that mass stability is provided during all phases of operation. Mass stability shall mean that the mass of the waste deposited will not undergo settling or slope failure that interrupts operations at the facility or causes damage to any of the various MSWLF operations or structures, including the liner, leachate or drainage collection system, gas collection system or monitoring system.

(2) The phasing of operations at the facility shall be designed in such a way as to allow the sequential construction, filling, and closure of discrete units or parts of units.

(3) The owner or operator shall design and sequence the waste placement operation in each discrete unit or parts of units to allow the wastes to be built up to each unit's planned final grade as quickly as possible.

(o) Size and slope of working face.

(1) The working face of the unit shall be no larger than is necessary, based on the terrain and equipment used

in waste placement, to conduct operations in a safe and efficient manner.

(2) The slopes of the working face area shall be no steeper than 2:1, horizontal:vertical, unless the waste is stable at steeper slopes.

(p) Salvaging.

(1) Salvaging operations shall not:

(A) interfere with the operation of the waste disposal facility;

(B) result in a violation of any standard in this regulation; or

(C) delay the construction or interfere in the operation of:

(i) the liner;

(ii) leachate collection system;

(iii) daily, intermediate or final cover; or

(iv) any monitoring devices.

(2) All salvaging operations shall be confined to an area remote from the working face of the MSWLF and be performed in a safe and sanitary manner in compliance with the requirements of this subsection.

(3) Salvageable materials may be accumulated on-site by a MSWLF owner or operator, if they are managed in a manner that will not create a nuisance, harbor vectors, cause offensive odors, or create an unsightly appearance.

(4) Scavenging at MSWLFs shall be prohibited.

(q) Recordkeeping.

(1) The owner or operator of a MSWLF unit shall record and retain on-site for a period of five years, in an operating record, the following information as it becomes available:

(A) location restriction demonstrations required under K.A.R. 28-29-102 of this part;

(B) inspection records, training procedures, and notification procedures required under K.A.R. 28-29-108(a);

(C) gas monitoring results from monitoring and any remediation plans required by K.A.R. 28-29-108(e);

(D) MSWLF unit design documentation for placement of leachate or gas condensate in a MSWLF unit as required under K.A.R. 28-29-108(k);

(E) demonstrations, certifications, findings, monitoring, testing, or analytical data required by K.A.R. 28-29-111 through K.A.R. 28-29-114;

(F) closure and post-closure care plans and any monitoring, testing, or analytical data as required by K.A.R. 28-29-121 and K.A.R. 28-29-122;

(G) cost estimates and financial assurance documentation required by K.S.A. 1993 Supp. 65-3407(h);

(H) demonstrations for the small landfill exemption as required by K.A.R. 28-29-103;

(I) demonstrations that the liner meets the liner standards as required in K.A.R. 28-29-104 (e)(1)(A) or (B); and

(J) a copy of the current facility permit, including all approved plans and specifications.

(2) All information contained in the operating record shall be furnished upon request to the department or made available at any reasonable times for inspection by the department.

(r) Other operating standards.

(1) In order to achieve and maintain compliance with the requirements of these regulations, adequate equip-

ment shall be available for use at the facility during all hours of operation.

(2) All utilities, including but not limited to heat, lights, power and communications equipment, and sanitary facilities, necessary for operation in compliance with the requirements of this regulation shall be available at the facility at all times.

(3) The owner or operator shall maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with this regulation.

(4) The owner or operator shall implement methods for controlling dust to minimize wind dispersal of particulate matter.

(5) The facility shall be designed, constructed and maintained to minimize the level of equipment noise audible outside the facility.

(6) The owner or operator shall make arrangements for fire protection services when a fire protection district or other public fire protection service is available. When such a service is not available, the owner or operator shall institute alternate fire protection measures.

(7) The owner or operator shall patrol the facility to check for litter accumulation and take all necessary steps to minimize blowing litter, including the use of screens. All litter shall be collected and placed in the fill or in a secure, covered container for later disposal.

(8) The owner or operator shall implement a plan for litter control for all vehicles on the permitted facility site.

(9) An operational safety program shall be provided for employees at each MSWLF facility.

(10) MSWLF access roads shall be of all-weather construction and shall be negotiable at all times by trucks and other vehicles.

(11) Access to MSWLFs shall be limited to hours when an attendant or operating personnel are at the site.

(12) The owner or operator of each MSWLF shall maintain a log of commercial or industrial solid wastes received including sludges, barreled wastes and special wastes.

(A) The log shall indicate the source and quantity of waste and the disposal location.

(B) The areas used for disposal of these wastes and other large quantities of bulk wastes shall be clearly shown on a site map and referenced to the boundaries of the tract or other permanent markings.

(13) Sludges, industrial solid wastes or special wastes, shall not be disposed in a MSWLF until the department:

(A) has been notified; and

(B) has issued a disposal authorization including specific arrangements for handling of the wastes. (Authorized by K.S.A. 1993 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

**28-29-111. Groundwater monitoring systems; applicability and design.** (a) The requirements in this regulation shall apply to all MSWLF units, except as provided in subsection (b).

(b) Groundwater monitoring requirements may be suspended by the department for a MSWLF unit if the owner or operator demonstrates that there is no potential for migration of hazardous constituents from that

(continued)

MSWLF unit to the uppermost aquifer during the active life of the unit and the post-closure care period. This demonstration shall be certified by a qualified groundwater scientist and approved by the department, and shall be based upon:

(1) site-specific field-collected measurements, sampling, and analysis of physical, chemical, and biological processes affecting contaminant fate and transport; and

(2) contaminant fate and transport predictions that maximize contaminant migration and consider impacts on human health and environment.

(3) For the purposes of K.A.R. 28-29-111 and K.A.R. 28-29-112, "hazardous constituent" means all constituents listed in appendix I and appendix II of K.A.R. 28-29-113.

(c) Each owner or operator of a MSWLF unit shall comply with the groundwater monitoring requirements of this part according to the following schedule.

(1) Each existing MSWLF unit or lateral expansion less than or equal to one mile from a drinking water intake, surface or subsurface shall be in compliance with applicable groundwater monitoring requirements in K.A.R. 28-29-111 through K.A.R. 28-29-114 by October 9, 1994.

(2) Each existing MSWLF unit or lateral expansion greater than one mile but less than or equal to two miles from a drinking water intake, surface or subsurface, shall be in compliance with applicable groundwater monitoring requirements in K.A.R. 28-29-111 through K.A.R. 28-29-114 by October 9, 1995.

(3) Each existing MSWLF unit or lateral expansion greater than two miles from a drinking water intake, surface or subsurface, shall be in compliance with the groundwater monitoring requirements in K.A.R. 28-29-111 through K.A.R. 28-29-114 by October 9, 1996.

(4) Each MSWLF unit which meets the requirements of K.A.R. 28-29-103(a) and is less than or equal to two miles from a drinking water intake, surface or subsurface, shall be in compliance with applicable groundwater monitoring requirements in K.A.R. 28-29-111 through K.A.R. 28-29-114 by October 9, 1995.

(5) Each MSWLF unit which meets the requirements of K.A.R. 28-29-103(a) and is greater than two miles from a drinking water intake, surface or subsurface, shall be in compliance with the groundwater monitoring requirements in K.A.R. 28-29-111 through K.A.R. 28-29-114 by October 9, 1996.

(6) Each new MSWLF unit except those meeting the requirements of K.A.R. 28-29-103(a), shall be in compliance with the groundwater monitoring requirements specified in subsection (f) before waste may be placed in the unit.

(d) Once a MSWLF unit has been established, groundwater monitoring shall be conducted throughout the active life and post-closure care period of that MSWLF unit.

(e) For the purposes of K.A.R. 28-29-100 through K.A.R. 28-29-121, a "qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields.

Sufficient training may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgements regarding groundwater monitoring, contaminant fate and transport, and corrective action.

(f) Groundwater monitoring systems.

(1) A groundwater monitoring system shall be installed that consists of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer that:

(A) represent the quality of background groundwater that has not been affected by leakage from a unit; and

(B) represent the quality of groundwater passing the point of compliance.

(2) The owner or operator shall maintain records that, at a minimum include the following:

(A) exact well three-dimensional location;

(B) well size;

(C) type of well;

(D) the design and construction practice used in well installation; and

(E) well and screen depths.

(3) The monitoring wells, piezometers, and other measurement, sampling, and analytical devices shall be operated and maintained so that they perform to design specifications throughout the life of the monitoring program. The owner or operator shall maintain wells to operate throughout the design period of the landfill.

(4) Standards for the location of monitoring points in the detection monitoring system.

(A) Each monitoring well shall be located in a stratigraphic horizon that could serve as a contaminate migration pathways.

(B) Lateral distance from the unit.

(i) For new units, each monitoring well shall be established at a lateral distance not greater than 150 meters (492 feet) from the planned edge of the unit. Each well shall be located on the owner's or operator's property, and shall be at least 15.24 meters (50 feet) from the property boundary. The requirements of paragraph (f)(4)(B)(i) shall not apply to vertical expansions or existing units that are in operation on October 9, 1996.

(ii) For existing units, each monitoring well shall be established at a lateral distance not greater than 150 meters (492 feet) from the planned edge of the unit, and shall be located on the owner's or operator's property.

(C) The number, spacing, and depths of monitoring wells shall be:

(i) determined based upon site-specific technical information gathered from the hydrogeologic investigation conducted pursuant to K.A.R. 28-29-104(b); and

(ii) certified by a qualified groundwater scientist.

(D) The network of monitoring points of several potential sources of discharge within a single facility may be combined into a single monitoring network, provided that discharges from any part of all potential sources can be detected. The following information shall be provided by the owner or operator as requested by the department for use in evaluating an owner's or operator's proposal for a multi-unit monitoring system:

(i) number, spacing, and orientation of each MSWLF unit;

- (ii) hydrogeologic setting;
  - (iii) site history;
  - (iv) engineering design of each MSWLF unit; and
  - (v) type of waste accepted at each MSWLF unit.
- (5) Well construction standards.

(A) Each monitoring well shall be constructed in accordance with K.A.R. 28-30-6.

(B) Each monitoring well shall be cased with inert materials that will not affect the water sample. Casing requiring solvent-cement type couplings shall not be used.

(C) Each well shall be screened to allow sampling only at the desired interval. The slot size of the screen and filter pack shall be designed to minimize turbidity. Screens shall be fabricated from material expected to be inert with respect to the constituents of the groundwater to be sampled.

(D) Each well shall be equipped with a device to protect against tampering and damage.

(E) Each well shall be developed to allow free entry of water and minimize turbidity of the sample.

(F) The transmissivity of the zone surrounding each well screen shall be established by field-testing techniques. (Authorized by K.S.A. 1993 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

**28-29-112. Groundwater monitoring systems; sampling and data analysis requirements.** (a) The groundwater monitoring program shall include consistent sampling and analysis procedures to ensure that monitoring results provide data representative of groundwater quality in the zone being monitored.

(b) The owner or operator shall develop a sampling and analysis plan to submit to the department for approval that includes the following:

(1) a quality assurance and quality control program for field sampling procedures and laboratory analysis that provides:

(A) quantitative detection limits;

(B) the degree of error for analysis of each chemical constituent;

(C) equipment decontamination procedures; and

(D) other field quality assurance protocols;

(2) a sample preservation and shipment procedure that maintains the integrity of the sample collected for analysis;

(3) a chain of custody procedure to prevent tampering and contamination of the collected samples prior to completion of analysis;

(4) the sampling procedures and analytical methods that will be used, why they are appropriate for groundwater sampling and whether they accurately measure constituents in groundwater samples; and

(5) the statistical method or methods listed in subsection (h) of this regulation which will be used in evaluating monitoring data for each constituent detected.

(C) Groundwater samples shall not be field-filtered prior to laboratory analysis. The director may require field filtered samples in cases where turbidity affects the validity of the results.

(d) The owner or operator shall determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells that monitor the same waste-management area shall be meas-

ured within a period of time short enough to avoid temporal variations in groundwater flow that could preclude accurate determination of groundwater flow rate and direction.

(e) The owner or operator shall conduct quarterly groundwater monitoring for one year to determine background concentrations for each of the monitoring parameters or constituents required in the detection groundwater monitoring program, set out in K.A.R. 28-29-113(a).

(f) Background groundwater quality may be established at wells that are not located hydraulically upgradient from the MSWLF unit if:

(1) hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient; or

(2) sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells.

(g) The number of samples collected shall be consistent with the appropriate statistical procedures determined pursuant to this regulation.

(h) The following methods shall be acceptable statistical methods to be utilized in evaluating groundwater monitoring data, and shall be applied separately to each constituent detected in each well:

(1) a parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. This method shall include an estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent;

(2) an analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. This method shall include an estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent;

(3) a tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit;

(4) a control chart approach that gives control limits for each constituent; or

(5) another statistical test method that meets the following performance standards:

(A) The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data may be transformed or a distribution-free theory test may be used. If the distributions for the constituents differ, more than one statistical method may be needed.

(B) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentration

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trations or a groundwater protection standard, the test shall be done at a type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the type I experiment-wise error rate for each testing period shall be no less than 0.05; however, the type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard shall not apply to tolerance intervals, prediction intervals, or control charts.

(C) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be protective of human health and the environment. The parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(D) If a tolerance interval or a prediction interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval shall contain, shall be protective of human health and the environment. These parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(E) The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantitation limit (pql) that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(F) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

(i) Any owner or operator wishing to use an alternative statistical test shall seek the approval of the department and provide a justification for the alternative test. The justification shall demonstrate that the alternative method meets the performance standards listed in paragraph (h)(5) above.

(j) The owner or operator shall determine whether or not there is a statistically significant increase over background values for each parameter or constituent required in the particular groundwater monitoring program that applies to the MSWLF unit.

(1) The owner or operator shall submit the statistical analyses to the department within 45 days of receipt of analytical results.

(2) If requested by the department, the results of the statistical analyses shall be provided in electronic form via computer disc or other electronic means.

(3) If requested by the department, the raw analytical data shall also be provided.

(k) In determining whether a statistically significant increase has occurred, the owner or operator shall compare the groundwater quality of each parameter or constituent at each downgradient monitoring well to the background value of that constituent, according to the

statistical procedures and performance standards specified in this regulation. (Authorized by K.S.A. 1993 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

**28-29-113. Groundwater monitoring systems; detection and assessment monitoring.** (a) Detection monitoring program.

(1) Detection monitoring shall be required at each groundwater monitoring well as defined in K.A.R. 28-29-111. At a minimum, a detection monitoring program shall include the monitoring for the constituents listed in appendix I of this regulation. The owner or operator shall also conduct the following evaluations at each well at the time of sample collection and immediately before filtering, if applicable, and preserving samples for shipment:

- (A) elevation of the water table;
- (B) depth of the bottom of the well;
- (C) pH of the sample;
- (D) temperature of the sample;
- (E) specific conductance of the sample; and
- (F) observations of the physical characteristics of the sample.

(2) The monitoring frequency for each constituent listed in appendix I shall be semiannual during the active life of the facility, including closure, and the post-closure period except that monitoring shall be quarterly for the first year. At least one sample from each well, background and downgradient, shall be collected and analyzed. An appropriate alternative frequency for sampling and analysis may be specified by the director. However, the alternative frequency shall be no less than annually.

(3) If the owner or operator determines that there is a statistically significant increase over background for one or more of the constituents listed in appendix I at any monitoring well, the owner or operator shall:

(A) notify the director within 14 calendar days of this finding. The notification shall indicate which constituents have shown statistically significant changes from background levels; and

(B) within 30 calendar days of this finding, resample the wells showing the statistically significant increase to confirm the finding. If the statistically significant increase is not confirmed, the owner or operator shall return to the detection monitoring program specified in paragraph (a)(1) of this regulation.

(i) If the statistically significant increase is confirmed, the owner or operator shall conduct an assessment monitoring program meeting the requirements of subsection (b) of this regulation, and develop a release assessment plan to determine the nature and extent of the release within 90 days of confirming the statistically-significant increase.

(ii) Upon approval of the release assessment plan by the director, the owner or operator shall implement the release assessment plan, and prepare and submit a report summarizing all activities and findings according to the schedule specified in the plan and approved by the department.

(iii) In lieu of paragraph (a)(3)(B)(i) and (ii) above, the owner or operator may demonstrate to the department

that a source other than MSWLF unit caused the contamination, that the statistically significant increase resulted from a natural variation in groundwater quality, or that the statistically significant increase resulted from an error in sampling. A report documenting this demonstration shall be certified by a qualified groundwater scientist and placed in the operating record. If a successful demonstration is made to and approved by the department, the owner or operator may continue detection monitoring as specified in paragraph (a)(1) of this regulation. If after 90 days a successful demonstration is not made, the owner or operator shall conduct assessment monitoring as required in subsection (b) of this regulation, and develop a release assessment plan to determine the nature and extent of the release.

(b) Assessment monitoring.

(1) Assessment monitoring shall be required for:

(A) new municipal solid waste landfills or units, or existing municipal solid waste landfills or units which have established background groundwater concentrations for the appendix I constituents, whenever a statistically significant increase over background has been detected for one or more of the constituents listed in appendix I; and

(B) existing municipal solid waste landfills or units that have not established background groundwater concentrations for the appendix I constituents if groundwater contamination exists that exceeds the maximum contamination limits (MCL's) for any organic constituent contained in appendix I.

(2) Within 90 days of triggering assessment monitoring, the owner or operator shall sample each downgradient well, or those wells specified by the director, and analyze the groundwater for:

(A) all constituents identified in appendix II; and

(B) the parameters listed in paragraph (a)(1) of this regulation.

(3) Within 180 days of the sampling event described in paragraph (b)(2), the owner or operator shall collect and analyze from each background and downgradient well a minimum of three independent samples to establish background concentrations for each appendix II constituent detected during paragraph (b)(2) analyses.

(4) (A) Within 90 days of the sampling event described in paragraph (b)(3), and on a semiannual basis thereafter, the owner or operator shall sample each downgradient well, or those wells specified by the director, and conduct analysis for all constituents in appendix I and for each constituent in appendix II that is detected during paragraph (b)(2) analyses.

(B) In addition, the owner or operator shall sample each downgradient well for each appendix II constituents on an annual basis.

(C) All analytical results shall be recorded in the facility operating record.

(5) Whenever a new constituent or constituents is detected in a downgradient well as a result of the sampling described in paragraphs (b)(2) or (4), above, the owner or operator shall:

(A) notify the director within 14 days of each appendix II constituent that has been detected;

(B) collect and analyze from each background and downgradient well a minimum of four independent

samples to establish background concentrations for the new constituent or constituents; and

(C) include any new constituents detected in any subsequent monitoring.

(6) If it can be shown that the removed constituents are not reasonably expected to be contained in or derived from the waste contained in the unit, appendix II monitoring for a MSWLF unit may be modified by the director.

(7) An appropriate alternate frequency for repeated sampling and analysis for the full set of appendix II constituents during the active life, including closure, and post-closure care of the unit may be specified by the director.

(8) An appropriate subset of wells to be sampled and analyzed for appendix II constituents during assessment monitoring may be specified by the director.

(9) If the concentrations of all appendix II constituents are shown to be at or below background values, using the statistical procedures in K.A.R. 28-29-112, for two consecutive sampling events, the owner or operator shall notify the department of this finding and may return to detection monitoring, if approved by the department.

(10) If the concentrations of any appendix II constituents are above background values, but all concentrations are below the groundwater protection standard established under subsection (13) using the statistical procedures in section K.A.R. 28-29-112, the owner or operator shall continue assessment monitoring in accordance with this regulation. Based on an analysis of groundwater contamination trends, it may be requested by the director that the owner or operator proceed to the assessment of corrective measures, as described in K.A.R. 28-29-114.

(11) If one or more appendix II constituents are detected at statistically-significant levels above the groundwater protection standard in any sampling event, the owner or operator shall, within 14 days of this finding, notify the department and identify each appendix II constituent that has exceeded the groundwater protection standard.

(12) If a determination is made that contamination has migrated off-site, the owner or operator shall immediately notify all appropriate local government officials and all persons who own the land or reside on the land that directly overlies any part of the plume of contamination.

(13) A groundwater protection standard for each appendix II constituent detected in the groundwater shall be established by the department. The groundwater protection standard shall be:

(A) the maximum contaminant level (MCL) where an MCL has been promulgated under section 1412 of the safe drinking water act under 40 CFR part 141, as in effect on July 1, 1992;

(B) the background concentration for the constituent established from wells in accordance with paragraph (b)(5)(B) of this regulation; or

(C) the background concentration for the constituent established from wells in accordance with paragraph (b)(5)(B) if the background level is higher than:

(i) the MCL; or

(continued)

(ii) the health-based levels identified under paragraph (b)(14).

(14) An alternative groundwater protection standard for constituents for which MCLs have not been established may be approved by the department. These groundwater protection standards shall be appropriate health-based levels that satisfy the following criteria:

(A) The level is derived in a manner consistent with environmental protection agency guidelines for assessing the health risks of environmental pollutants, 51 Federal Register 33992, 34006, 34014, 34028, dated September 24, 1986;

(B) the level is based on scientifically valid studies conducted in accordance with the toxic substances control act good laboratory practice standards, 40 CFR part 792, as in effect on July 1, 1992, or equivalent;

(C) for carcinogens, the level represents a concentration associated with an excess lifetime cancer-risk level, due to continuous lifetime exposure, within the  $1 \times 10^{-4}$  to  $1 \times 10^{-6}$  range; and

(D) for systemic toxicants, the level represents a concentration to which the human population, including sensitive subgroups, could be exposed on a daily basis which is likely to be without appreciable risk of deleterious effects during a lifetime. For purposes of this paragraph, systemic toxicants include toxic chemicals that cause effects other than cancer or mutation.

(15) A standard in lieu of paragraph (b)(13) may be designated by the director while an alternative standard is being developed pursuant to paragraph (b)(14).

(c) Appendices.

#### APPENDIX I

##### GEOCHEMICALS

Alkalinity  
Calcium  
Chemical Oxygen Demand (COD)  
Chloride  
Nitrogen (Ammonia)  
Potassium, dissolved  
Sodium, dissolved  
Sulfate  
Total Dissolved Solids (TDS)

##### VOLATILE ORGANICS

Acetone  
Benzene\*  
Bromodichloromethane  
Bromomethane  
Bromoform  
2-Butanone  
Carbon Disulfide  
Carbon tetrachloride  
Chlorobenzene  
Chlorethane  
2-Chloroethylvinyl ether  
Cloroform  
Chloromethane  
Dibromochloromethane  
1,1-Dichloroethane  
1,2-Dichloroethane\*  
1,1-Dichloroethene\*

trans-1,2-Dichloroethene  
1,2-Dichloropropane\*  
cis-1,3-Dichloropropene  
Trans-1,3-Dichloropropene  
Ethylbenzene\*  
2-Hexanone  
4-Methyl-2-pentanone  
Methylene chloride  
Styrene\*  
Tetrachlorethene\*  
Toluene\*  
Total Xylenes\*  
1,1,2,2-Tetrachloroethane  
1,1,1-Trichloroethane\*  
1,1,2-Trichloroethane  
Trichloroethene\*  
Vinyl acetate  
Vinyl chloride\*  
\*MCL promulgated

#### APPENDIX II

##### GEOCHEMICALS

Alkalinity  
Calcium  
Chemical Oxygen Demand (COD)  
Chloride  
Nitrogen (Ammonia)  
Potassium, dissolved  
Sodium, dissolved  
Sulfate  
Total Dissolved Solids (TDS)

##### METALS

Antimony  
Arsenic  
Barium  
Beryllium  
Cadmium  
Chromium  
Cobalt  
Copper  
Lead  
Nickel  
Selenium  
Silver  
Thallium  
Vanadium  
Zinc

##### POLYNUCLEAR AROMATIC HYDROCARBONS

Acenaphthene  
Acenaphthylene  
Anthracene  
Benzo(a)anthracene  
Benzo(a)pyrene  
Benzo(b)fluoranthene  
Benzo(j)fluoranthene  
Benzo(k)fluoranthene  
Benzo(ghi)perylene  
Chrysene  
Dibenz(a,h)acridine  
Dibenz(a,j)acridine  
Dibenzo(a,h)anthracene

7H-Dibenzo(c,g)carbazole  
 Dibenzo(a,e)pyrene  
 Dibenzo(a,h)pyrene  
 Dibenzo(a,i)pyrene  
 Fluoranthene  
 Fluorene  
 Indeno(1,2,3-cd)pyrene  
 3-Methylcholanthrene  
 Naphthalene  
 Phenanthrene  
 Pyrene

**CHLORINATED HYDROCARBONS**

Benzal chloride  
 Benzotrichloride  
 Benzyl chloride  
 2-Chloronaphthalene  
 1,2-Dichlorobenzene  
 1,3-Dichlorobenzene  
 1,4-Dichlorobenzene  
 Hexachlorobenzene  
 Hexachlorobutadiene  
 Hexachlorocyclohexane  
 Hexachlorocyclopentadiene  
 Hexachloroethane  
 Tetrachlorobenzenes  
 1,2,4-Trichlorobenzene  
 Pentachlorohexane

**ORGANOPHOSPHORUS PESTICIDES**

Azinphos methyl  
 Bolstar  
 Chlorpyrifos  
 Coumaphos  
 Demeton-O  
 Demeton-S  
 Diazinon  
 Dichlorvos  
 Disulfoton  
 Ethroprop  
 Fensulfothion  
 Fenthion  
 Merphos  
 Mevinphos  
 Naled  
 Parthion methyl  
 Phorate  
 Ronnel  
 Stirophos (Tetrachlorvinphos)  
 Tokuthion (Prothiofos)  
 Trichloronate

**CHLORINATED HERBICIDES**

2,4-D  
 2,4-DB  
 2,4,5-T  
 2,4,5-TP (silvex)  
 Dalapon  
 Dicamba  
 Dichloroprop  
 Dinoseb  
 MCPA  
 MCPP

**VOLATILE ORGANICS**

Acetone  
 Benzene  
 Bromodichloromethane  
 Bromomethane  
 Bromoform  
 2-Butanone  
 Carbon Disulfide  
 Carbon tetrachloride  
 Chlorobenzene  
 Chloroethane  
 2-Chloroethylvinyl ether  
 Chloroform  
 Chloromethane  
 Dibromochloromethane  
 1,1-Dichloroethane  
 1,2-Dichloroethane  
 1,1-Dichloroethene  
 trans-1,2-Dichloroethene  
 1,2-Dichloropropane  
 cis-1,3-Dichloropropene  
 trans-1,3-Dichloropropene  
 Ethyl benzene  
 2-Hexanone  
 4-Methyl-2-pentanone  
 Methylene chloride  
 Styrene  
 Tetrachloroethene  
 Toluene  
 Total Xylenes  
 1,1,2,2-Tetrachloroethane  
 1,1,1-Trichloroethane  
 1,1,2-Trichloroethane  
 Trichloroethene  
 Vinyl acetate  
 Vinyl chloride

**VOLATILE ORGANICS**

Benzene  
 Bromobenzene  
 Bromochloromethane  
 Bromodichloromethane  
 Bromoform  
 Bromoethane  
 n-Butylbenzene  
 sec-Butylbenzene  
 tert-Butylbenzene  
 Carbon tetrachloride  
 Chlorobenzene  
 Chloroethane  
 Chloroform  
 Chloromethane  
 2-Chlorotoluene  
 4-Chlorotoluene  
 Dibromochloromethane  
 1,2-Dibromo-3-chloropropane  
 1,2-Dibromoethane  
 Dibromomethane  
 1,2-Dichlorobenzene  
 1,3-Dichlorobenzene  
 1,4-Dichlorobenzene

(continued)

Dichlorodifluoromethane  
 1,1-Dichloroethane  
 1,2-Dichloroethane  
 1,1-Dichloroethene  
 cis-1,2-Dichloroethene  
 trans-1,2-Dichloroethene  
 1,2-Dichloropropane  
 1,3-Dichloropropane  
 2,2-Dichloropropane  
 1,1-Dichloropropene  
 Ethylbenzene  
 Hexachlorobutadiene  
 Isopropylbenzene  
 p-Isopropyltoluene  
 Methylene chloride  
 Naphthalene  
 n-Propylbenzene  
 Styrene  
 1,1,1,2-Tetrachloroethane  
 1,1,1,2,2-Tetrachloroethane  
 Tetrachloroethene  
 Toluene  
 1,2,3-Trichlorobenzene  
 1,2,4-Trichlorobenzene  
 1,1,1-Trichloroethane  
 1,1,2-Trichloroethane  
 Trichloroethene  
 Trichlorofluoromethane  
 1,2,3-Trichloropropane  
 1,2,4-Trimethylbenzene  
 1,3,5-Trimethylbenzene  
 Vinyl chloride  
 o,m,p-Xylene

(Authorized by K.S.A. 1993 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

**28-29-114. Corrective action.** (a) Assessment of corrective measures.

(1) After consideration of the results from the release assessment conducted pursuant to K.A.R. 28-29-113(a)(3)(B), the owner or operator may be asked by the director to conduct an assessment of corrective measures that includes an analysis of:

(A) performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;

(B) time required to begin and complete the remedy;

(C) costs of remedy implementation; and

(D) institutional requirements such as state or local permit requirements or other environmental or public health requirements that may substantially affect implementation of the remedy or remedies.

(2) The owner or operator shall continue to monitor in accordance with the assessment monitoring program as specified in K.A.R. 28-29-113(b).

(3) The owner or operator shall make a recommendation for one of the corrective measures assessed and include a rationale for the choice in the corrective measures assessment report.

(4) The owner or operator shall conduct a public hearing to discuss the range of corrective measures evalu-

ated, the recommended corrective measures, and the rationale outlined in the assessment report.

(b) Remedy.

(1) After consideration of the results of the corrective-measures assessment and the public comments received, the owner or operator shall propose a remedy and a schedule for implementation to the department for approval. The remedy shall:

(A) be protective of human health and the environment;

(B) attain the groundwater protection standards;

(C) control the source or sources of releases so as to reduce or eliminate, to the maximum extent practicable, further releases of constituents identified in appendix II of K.A.R. 28-29-113 into the environment that may pose a threat to human health or the environment; and

(D) comply with standards for management of wastes as specified in paragraph (c)(4) of this regulation.

(2) In approving a remedy, the following evaluation factors shall be considered by the director:

(A) the long-term and short-term effectiveness and protectiveness of the potential remedy or remedies, along with the degree of certainty that the remedy will prove successful;

(B) the effectiveness of the remedy in controlling the source to reduce further releases;

(C) the ease or difficulty of implementing a potential remedy or remedies;

(D) practicable capability of the owner or operator, including a consideration of the technical and economic capability; and

(E) the degree to which community concerns are addressed by a potential remedy or remedies.

(3) A remedy other than that proposed by the owner or operator may be specified by the director.

(4) It may be determined by the director that remediation of a release of a constituent identified in appendix II of K.A.R. 28-29-113 from a MSWLF unit is not necessary if the owner or operator demonstrates to the satisfaction of the director any one of the following:

(A) the groundwater is additionally contaminated by substances that have originated from a source other than a MSWLF unit and those substances are present in concentrations such that cleanup of the release from the MSWLF unit would provide no significant reduction in risk to public health and the environment;

(B) remediation of the release or releases is technically impracticable; or

(C) remediation results in unacceptable cross-media impacts.

(5) A determination by the director that remediation is not necessary shall not affect the authority of the department to require the owner or operator to undertake source control measures or other measures that may be necessary to eliminate or minimize further releases to the groundwater, to prevent exposure to the groundwater, or to remediate the groundwater to concentrations that are technically practicable and significantly reduce threats to human health or the environment.

(6) The owner or operator may be required by the director to take any interim measures necessary to ensure the protection of human health and the environment.

Interim measures shall, to the greatest extent practicable, be consistent with the objectives of and contribute to the performance of any remedy selected.

(c) Implementation of the corrective action program.

(1) Based on the schedule established under paragraph (b)(1) above, the owner or operator shall implement the corrective action remedy selected under subsection (b).

(2) An owner or operator or the director may determine, based on information developed after implementation of the remedy has begun or other information, that compliance with requirements of paragraph (b)(1) is not being achieved through the remedy selected. In such cases, the owner or operator shall implement other methods or techniques that practicably achieve compliance with the requirements.

(3) If the owner or operator or director determines that compliance with requirements under paragraph (b)(1) cannot be practically achieved with any currently available methods, the owner or operator shall:

(A) obtain certification of a qualified groundwater scientist that compliance cannot be practically achieved with any currently available methods;

(B) implement alternate measures to control exposure of humans or the environment to residual contamination, as necessary to protect human health and the environment;

(C) implement alternate measures for control of the sources of contamination, or for removal or decontamination of equipment, units, devices, or structures; and

(D) submit a report to the director justifying the alternative measures prior to implementing the alternative measures.

(4) Each solid waste that is managed pursuant to a remedy or an interim measure shall be managed in accordance with Kansas waste management standards.

(5) Remedies selected pursuant to subsection (b) shall be considered complete when:

(A) the owner or operator complies with the groundwater protection standards established under K.A.R. 28-29-113(b)(13) at the point of compliance;

(B) compliance with the groundwater protection standards has been achieved by demonstrating that concentrations of constituents identified in appendix II of K.A.R. 28-29-113 have not exceeded the groundwater protection standard or standards for a period of three consecutive years using the statistical procedures and performance standards in K.A.R. 28-29-112. An alternative length of time during which the owner or operator shall demonstrate that concentrations of constituents identified in appendix II of K.A.R. 28-29-113 have not exceeded the groundwater protection standard or standards may be specified by the director, taking into consideration the:

(i) extent and concentration of the release or releases;

(ii) behavior characteristics of the contaminants in the groundwater;

(iii) accuracy of monitoring or modeling techniques, including any seasonal, meteorological, or other environmental variabilities that may affect the accuracy; and

(iv) characteristics of the groundwater; and

(C) all actions required to complete the remedy have been satisfied.

(6) Upon completion of the remedy, the owner or operator shall submit to the director a copy of a certification that the remedy has been completed in compliance with the requirements of paragraph (b)(1) and initiate a detection monitoring plan. The certification shall be signed by the owner or operator and by a qualified groundwater scientist.

(7) Upon receipt of the certification, if the director determines that the corrective action remedy has been completed in accordance with the requirements of this section, the owner or operator shall be released from the requirements for financial assurance for corrective action under K.A.R. 28-29-122. Where appropriate and necessary, a new schedule for continued detection monitoring shall be established by the director. (Authorized by K.S.A. 1993 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

**28-29-121. Closure requirements.** (a) Upon ceasing to receive waste, the unit shall be covered by a final cover consisting of a low permeability layer overlaid by a final protective layer constructed in accordance with the requirements of this regulation.

(b) Not later than 30 days after placement of the final lift of solid waste, closure activities shall begin, except as provided in subsection (c) of this regulation.

(c) The deadline for construction of the final cover may be extended by the director if:

(1) the unit has remaining capacity and there is a reasonable likelihood that the MSWLF unit will receive additional wastes;

(2) leachate is to be recirculated for a period after final receipt of waste in accordance with provisions in K.A.R. 28-29-104(i)(6); or

(3) the owner or operator demonstrates to the department that initiation of closure will, of necessity, take longer than 30 days.

(d) For any unit receiving an extension of the closure deadline as provided in subsection (c), it may be required by the director that the owner or operator comply with some or all of the provisions for intermediate cover in K.A.R. 28-29-108(c).

(e) For each MSWLF receiving waste after October 9, 1993, the low permeability layer shall consist of one of the following:

(1) a geomembrane underlaid by 0.45 meters (18 inches) of compacted soil with a permeability of  $1 \times 10^{-5}$  centimeters per second or less if geomembrane is used in the bottom liner system; or

(2) the lesser of:

(i) 0.45 meters (18 inches) of compacted soil with a permeability less than or equal to the bottom liner system or natural subsoils; or

(ii) 0.45 meters (18 inches) of compacted soil with a permeability of  $1 \times 10^{-5}$  centimeters per second or less.

(f) If a geomembrane is used in the low permeability layer, it shall be constructed in accordance with the following standards.

(1) The geomembrane shall have strength to withstand the normal stresses imposed by the waste stabilization process.

(2) The geomembrane shall be placed over a prepared base free from sharp objects and other materials that may cause damage.

(continued)

(3) The effects of landfill gas below the geomembrane shall be addressed.

(4) The effect of drainage through the final protective cover onto the geomembrane shall be addressed.

(g) The final protective layer shall be constructed in accordance with the following standards.

(1) The final protective layer shall cover the entire low permeability layer.

(2) The thickness of the final protective layer shall be at least as thick as the frost penetration depth at the landfill site and shall minimize root penetration of the low permeability layer.

(3) The final protective layer shall consist of soil material capable of supporting vegetation.

(h) The final protective layer shall be placed as soon as possible after placement of the low permeability layer to prevent desiccation, cracking, freezing or other damage to the low permeability layer.

(i) The owner or operator shall prepare a written closure plan that describes the steps necessary to close each MSWLF unit at any point during its active life in accordance with the cover design requirements. The closure plan, at a minimum, shall include the following information:

(1) plans for the final contours, type and depth of cover material, landscaping, and access control;

(2) an estimate of the largest area of the MSWLF unit ever requiring a final cover at any time during the active life;

(3) an estimate of the maximum inventory of wastes ever on-site over the active life of the MSWLF facility;

(4) final surface water drainage patterns and run-off retention basins;

(5) plans for the construction of liners, leachate collection and treatment systems, gas migration barriers or other gas controls;

(6) cross-sections of the site that delineate the disposal or storage locations of wastes. The cross-sections shall depict liners, leachate collection systems, the waste cover, and other applicable details;

(7) removal of all solid wastes from processing facilities; and

(8) a schedule for completing all closure activities.

(j) The closure plan shall be prepared not later than the effective date of this part, or by the initial receipt of waste, whichever is later, and shall be submitted to the department.

(k) A minimum of 60 days prior to beginning closure of each MSWLF unit, an owner or operator shall notify the department of the intent to close a unit.

(1) The owner or operator shall complete closure activities of each unit in accordance with the closure plan within 180 days following the beginning of closure. Extensions of the closure period may be granted by the director if the owner or operator demonstrates that:

(i) closure will, of necessity, take longer than 180 days; and

(ii) all steps have been taken and will continue to be taken to prevent threats to human health and the environment from the unclosed unit.

(m) Following closure of each MSWLF unit, the owner or operator shall submit a certification to the depart-

ment. The certification shall be signed by an independent registered professional engineer, or approved by the director, and shall verify that closure has been completed in accordance with the closure plan.

(n) Following closure of all MSWLF units in a facility, the owner or operator shall perform the following tasks.

(1) The owner or operator shall file a restrictive covenant with the office of register of deeds for the county in which the property is located, pursuant to the requirements of K.A.R. 28-29-20. The restrictive covenant shall, in perpetuity, notify any potential purchaser of the property that:

(A) the property has been used as a MSWLF; and

(B) the use of the property is subject to the restrictions of the post-closure plan in subsection (p) of this regulation.

(2) The owner or operator shall notify the director that a restrictive covenant has been recorded pursuant to the requirements of paragraph (1) of this subsection.

(o) The owner or operator may request permission from the director to remove the restrictive covenant if all wastes are removed from the facility.

(p) Post-closure care requirements.

(1) Following closure of each MSWLF unit, the owner or operator shall conduct post-closure care. Post-closure care shall be conducted for 30 years, except as provided under paragraph (2) of this subsection, and shall consist of at least the following activities:

(A) maintaining the integrity and effectiveness of any final cover, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover;

(B) maintaining and operating the leachate collection system, pursuant to K.A.R. 28-29-104(h);

(C) monitoring the groundwater in accordance with the requirements of K.A.R. 28-29-113 and maintaining the groundwater monitoring system, if applicable; and

(D) maintaining and operating the gas monitoring system in accordance with the requirements of K.A.R. 28-29-108(e).

(2) The length of the post-closure care period may be increased by the director if the director determines that the lengthened period is necessary to protect human health and the environment.

(3) The owner or operator of each MSWLF unit must prepare a written post-closure plan that includes, at a minimum, the following information:

(A) plans for the post-closure operation and maintenance of liners, leachate and gas collection and treatment systems, cover material, run-off, retention basins, landscaping, and access control;

(B) plans for monitoring and surveillance activities during post-closure;

(C) name, address, and telephone number of the person or office to contact about the facility during the post-closure period; and

(D) a description of the planned uses of the property during the post-closure period.

(i) Post-closure use of the property shall not disturb the integrity of the final cover, liner or liners, or any other components of the containment system, or the

function of the monitoring systems unless necessary to comply with the requirements in this regulation.

(ii) If the owner or operator demonstrates that disturbance of the final cover, liner or other component of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment, the disturbance may be approved by the director.

(4) The owner or operator shall prepare a post-closure plan not later than the effective date of this regulation, or by the initial receipt of waste, whichever is later, and submit it to the director.

(5) Following completion of the post-closure care period for each MSWLF unit, the owner or operator shall submit a certification to the director. The certification shall be signed by an independent registered professional engineer, or approved by the director, and must verify that post-closure care has been completed in accordance with the post-closure plan. (Authorized by K.S.A. 1993 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994.)

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 015303

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1993 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-30	Amended	V. 12, p. 902
1-2-46	Amended	V. 12, p. 1705
1-5-15	Amended	V. 12, p. 1705
1-5-28	Amended	V. 12, p. 902
1-6-22a	New	V. 12, p. 1706
1-6-23	Amended	V. 12, p. 1706
1-7-4	Amended	V. 12, p. 1707
1-9-5	Amended	V. 12, p. 902
1-9-6	Amended	V. 12, p. 1708
1-9-13	Amended	V. 12, p. 1709
1-9-21	Amended	V. 12, p. 903
1-9-23	Amended	V. 12, p. 903
1-9-24	New	V. 12, p. 1709, 1779
1-10-6	Amended	V. 12, p. 1709
1-13-1a	Amended	V. 12, p. 1709
1-14-6	Amended	V. 12, p. 1817
1-14-7	Amended	V. 12, p. 1817
1-14-8	Amended	V. 12, p. 1710
1-14-10	Amended	V. 12, p. 1818
1-14-12	New	V. 12, p. 1711
1-16-2	Amended	V. 12, p. 721, 864
1-16-2a	Amended	V. 12, p. 721, 864
1-16-2b	Amended	V. 12, p. 721, 864
1-16-2d	Amended	V. 12, p. 721, 864
1-16-2f	Revoked	V. 12, p. 722, 865
1-16-2k	Amended	V. 12, p. 722, 865
1-16-22	Amended	V. 12, p. 865
1-17-13	Amended	V. 13, p. 720
1-18-1a	Amended	V. 12, p. 865
1-21-1	Amended	V. 12, p. 865
1-21-2	Amended	V. 12, p. 866
1-21-3	Revoked	V. 12, p. 866
1-21-4	Amended	V. 12, p. 866
1-21-5	Revoked	V. 12, p. 866
1-21-6	Revoked	V. 12, p. 866
1-21-7	Amended	V. 12, p. 866
1-21-8	Revoked	V. 12, p. 866
1-21-9	Revoked	V. 12, p. 866
1-21-10	Revoked	V. 12, p. 866
1-21-11	Revoked	V. 12, p. 866
1-21-12	Amended	V. 12, p. 866
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1-22-5	Revoked	V. 12, p. 722, 867
1-28-1	Revoked	V. 12, p. 867
1-28-2	Revoked	V. 12, p. 867

1-49-1	Amended	V. 13, p. 720
1-49-11	New	V. 12, p. 1711
1-50-2	Revoked	V. 12, p. 867

**AGENCY 2: MUNICIPAL ACCOUNTING BOARD**

Reg. No.	Action	Register
2-3-3	Revoked	V. 12, p. 887

**AGENCY 4: BOARD OF AGRICULTURE**

Reg. No.	Action	Register
4-4-900	Amended	V. 13, p. 1017, 1043
4-4-982	New	V. 13, p. 1018, 1043
4-4-983	New	V. 13, p. 1018, 1043
4-4-984	New	V. 13, p. 1018, 1043
4-7-716	Amended	V. 13, p. 1018
4-7-719	Amended	V. 13, p. 1018
4-8-14a	Amended	V. 12, p. 1212
4-8-28	Amended	V. 12, p. 1212
4-8-32	Amended	V. 12, p. 1213
4-13-60	Amended	V. 13, p. 1018
4-13-61	Amended	V. 13, p. 1018
4-13-64	Amended	V. 13, p. 1019
4-13-65	Amended	V. 13, p. 1019

**AGENCY 5: BOARD OF AGRICULTURE— DIVISION OF WATER RESOURCES**

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5-1-1	Amended	V. 13, p. 491
5-1-2	New	V. 13, p. 493
5-3-4a	Amended	V. 13, p. 493
5-3-5e	New	V. 13, p. 493
5-4-4	New	V. 13, p. 493
5-7-1	Amended	V. 13, p. 494
5-7-3	Revoked	V. 13, p. 494
5-7-4	New	V. 13, p. 495
5-11-1	New	V. 13, p. 495
5-11-2	New	V. 13, p. 496
5-21-1	Amended	V. 13, p. 443
5-21-3	Amended	V. 13, p. 444
5-21-4	New	V. 13, p. 444
5-22-1	Amended	V. 13, p. 91
5-22-2	Amended	V. 13, p. 92
5-22-7	Amended	V. 13, p. 92
5-22-8	Amended	V. 13, p. 93

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-19-1 through		
7-19-6	New	V. 13, p. 1044, 1045
7-23-2	Amended	V. 13, p. 5
7-23-12	New	V. 13, p. 5
7-23-13	New	V. 13, p. 276
7-27-1	Amended	V. 12, p. 1336
7-29-1	Revoked	V. 12, p. 1336
7-29-2	Amended	V. 12, p. 1336
7-36-1 through		
7-36-6	New	V. 13, p. 5
7-37-1	New	V. 13, p. 765
7-37-2	New	V. 13, p. 765

**AGENCY 17: STATE BANKING DEPARTMENT**

Reg. No.	Action	Register
17-11-21	Amended	V. 13, p. 1132
17-15-1	Amended	V. 12, p. 311
17-16-8	Amended	V. 12, p. 314

17-21-1	Amended	V. 12, p. 314
17-21-2	Amended	V. 12, p. 314
17-22-1	Amended	V. 12, p. 1015

17-23-1 through		
17-23-16	New	V. 13, p. 49-57

**AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT**

Reg. No.	Action	Register
19-29-1a	New	V. 12, p. 1336

**AGENCY 20: CRIME VICTIMS COMPENSATION BOARD**

Reg. No.	Action	Register
20-1-1	Amended	V. 12, p. 1487
20-2-3	New	V. 12, p. 1487
20-2-6	New	V. 12, p. 1488
20-2-7	New	V. 12, p. 1488
20-2-8	New	V. 12, p. 1488
20-2-9	New	V. 12, p. 1488

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-1-2	Amended	V. 12, p. 444
22-1-3	New	V. 12, p. 444
22-1-4	New	V. 12, p. 444
22-1-5	New	V. 12, p. 445
22-1-6	New	V. 12, p. 445
22-2-1	Revoked	V. 12, p. 445
22-3-1	Revoked	V. 12, p. 445
22-3-2	Revoked	V. 12, p. 445
22-4-1	Revoked	V. 12, p. 445
22-5-3	Amended	V. 12, p. 445
22-6-10	Revoked	V. 12, p. 445
22-6-17	Revoked	V. 12, p. 445
22-6-18	New	V. 12, p. 976
22-7-1	Revoked	V. 12, p. 445
22-7-2	Revoked	V. 12, p. 445
22-7-3	Revoked	V. 12, p. 445
22-7-5	Revoked	V. 12, p. 445
22-7-6		
22-7-6 through		
22-7-12	New	V. 12, p. 445-447
22-8-1	Revoked	V. 12, p. 448
22-10-3a	Revoked	V. 12, p. 448
22-10-10	Revoked	V. 12, p. 448
22-10-12	Revoked	V. 12, p. 448
22-10-13	Revoked	V. 12, p. 448
22-10-14	Revoked	V. 12, p. 448
22-10-17	Revoked	V. 12, p. 448
22-10-18	New	V. 12, p. 448
22-10-19	New	V. 12, p. 448
22-13-35	Revoked	V. 12, p. 449
22-18-3	Amended	V. 12, p. 449
22-19-1	Amended	V. 12, p. 450
22-19-2	Amended	V. 12, p. 450
22-19-3	Amended	V. 12, p. 451
22-19-4	Revoked	V. 12, p. 451
22-19-5	New	V. 12, p. 451
22-20-1	Revoked	V. 12, p. 451
22-22-1	New	V. 12, p. 451

22-7-12	New	V. 12, p. 445-447
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22-8-1	Revoked	V. 12, p. 448
22-10-3a	Revoked	V. 12, p. 448
22-10-10	Revoked	V. 12, p. 448
22-10-12	Revoked	V. 12, p. 448
22-10-13	Revoked	V. 12, p. 448
22-10-14	Revoked	V. 12, p. 448
22-10-17	Revoked	V. 12, p. 448
22-10-18	New	V. 12, p. 448
22-10-19	New	V. 12, p. 448
22-13-35	Revoked	V. 12, p. 449
22-18-3	Amended	V. 12, p. 449
22-19-1	Amended	V. 12, p. 450
22-19-2	Amended	V. 12, p. 450
22-19-3	Amended	V. 12, p. 451
22-19-4	Revoked	V. 12, p. 451
22-19-5	New	V. 12, p. 451
22-20-1	Revoked	V. 12, p. 451
22-22-1	New	V. 12, p. 451

**AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
23-4-1	Revoked	V. 12, p. 1702
23-6-8	Revoked	V. 12, p. 1702

(continued)

23-16-1 Revoked V. 12, p. 1702  
 23-19-1 Revoked V. 12, p. 1702

**AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT**

Reg. No.	Action	Register
25-1-8	Revoked	V. 12, p. 1460, 1571
25-1-15	Amended	V. 12, p. 1460, 1571
25-1-16	Revoked	V. 12, p. 1461, 1571
25-1-17	Revoked	V. 12, p. 1461, 1571
25-4-1	Amended	V. 13, p. 1195

**AGENCY 26: DEPARTMENT ON AGING**

Reg. No.	Action	Register
26-5-5	Amended	V. 12, p. 1118
26-5-6	Amended	V. 12, p. 1118
26-8-1	Amended	V. 12, p. 1119, 1150
26-8-3	Amended	V. 12, p. 1120, 1152
26-8-4	Amended	V. 12, p. 1120, 1152
26-8-7	Amended	V. 12, p. 1120, 1152

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-2	Amended	V. 12, p. 315
28-1-18	Amended	V. 12, p. 1057
28-4-350	Amended	V. 12, p. 1042
28-4-351	Amended	V. 12, p. 1042
28-4-352	Amended	V. 12, p. 1043
28-4-353	Amended	V. 12, p. 1043
28-4-353a	New	V. 12, p. 1045
28-4-353b	New	V. 12, p. 1046
28-4-354	Amended	V. 12, p. 1047
28-4-355	Amended	V. 12, p. 1048
28-4-355a	New	V. 12, p. 1049
28-4-355b	New	V. 12, p. 1049
28-4-356	Amended	V. 12, p. 1051
28-4-357	Amended	V. 12, p. 1053
28-4-358	Amended	V. 12, p. 1054
28-4-359	Amended	V. 12, p. 1054
28-4-360	Amended	V. 12, p. 1057
28-15-11	Amended	V. 13, p. 1153
28-15-13	Amended	V. 13, p. 1155
28-15-15a	Amended	V. 13, p. 1156
28-15-19	Amended	V. 13, p. 1157
28-15-20	Amended	V. 13, p. 1157
28-15-21	New	V. 12, p. 728
28-15-22	New	V. 13, p. 1157
28-15-35	Amended	V. 12, p. 1847
28-15-36	Amended	V. 12, p. 1849
28-15-36a	New	V. 12, p. 1851
28-15-37	Amended	V. 12, p. 1852
28-16-28b through		
28-16-28f	Amended	V. 13, p. 1050-1061
28-16-61	Amended	V. 12, p. 1209
28-16-150 through		
28-16-154	New	V. 12, p. 1210
28-17-6	Amended	V. 12, p. 1020
28-17-20	Amended	V. 12, p. 1020
28-19-7	Amended	V. 12, p. 1530
28-19-14	Amended	V. 12, p. 1852
28-19-14b	Revoked	V. 12, p. 1853
28-19-17b	Amended	V. 13, p. 151
28-19-17c	Amended	V. 13, p. 151
28-19-17f	Amended	V. 13, p. 151
28-19-17m	Amended	V. 13, p. 151
28-19-31	Amended	V. 12, p. 1458
28-19-32	Amended	V. 12, p. 1458
28-19-63	Amended	V. 12, p. 1458
28-19-78	Revoked	V. 13, p. 151
28-19-202	New	V. 12, p. 1534
28-19-210	New	V. 12, p. 1535
28-23-82	Amended	V. 12, p. 1058
28-25-1 through		
28-25-15	New	V. 12, p. 1058, 1059
28-29-6a	New	V. 13, p. 151
28-29-84	New	V. 12, p. 435, 487
28-29-85	New	V. 12, p. 436, 488
28-29-98	Amended	V. 13, p. 1016
28-29-99	Revoked	V. 13, p. 1017
28-30-2	Amended	V. 12, p. 1539
28-30-3	Amended	V. 12, p. 1540
28-30-6	Amended	V. 12, p. 730
28-31-1 through		
28-31-6	Amended	V. 13, p. 312-318
28-31-8	Amended	V. 13, p. 318
28-31-8b	Amended	V. 13, p. 319
28-31-9	Amended	V. 13, p. 319

28-31-10	Amended	V. 13, p. 320
28-31-11	Amended	V. 13, p. 320
28-31-14	Amended	V. 13, p. 320
28-34-1	Revoked	V. 12, p. 780
28-34-1a	New	V. 12, p. 780
28-34-2	Amended	V. 12, p. 781
28-34-3b	New	V. 12, p. 781
28-34-5	Revoked	V. 12, p. 782
28-34-5a	New	V. 12, p. 782
28-34-6	Revoked	V. 12, p. 782
28-34-6a	New	V. 12, p. 782
28-34-8	Revoked	V. 12, p. 783
28-34-8a	New	V. 12, p. 783
28-34-9a	Amended	V. 12, p. 784
28-34-10	Revoked	V. 12, p. 784
28-34-10a	New	V. 12, p. 784
28-34-16	Revoked	V. 12, p. 785
28-34-16a	New	V. 12, p. 785
28-34-17	Revoked	V. 12, p. 785
28-34-17a	New	V. 12, p. 785
28-34-17b	New	V. 12, p. 786
28-34-20	Revoked	V. 12, p. 787
28-34-20a	New	V. 12, p. 787
28-34-32a	Revoked	V. 12, p. 787
28-34-32b	New	V. 12, p. 787
28-34-125	Revoked	V. 12, p. 787
28-35-135	Amended	V. 13, p. 1287
28-35-143	Revoked	V. 12, p. 1176
28-35-144a	New	V. 13, p. 1299
28-35-180a	Amended	V. 12, p. 1176
28-35-199a	Amended	V. 13, p. 1300
28-35-211a	Amended	V. 13, p. 1300
28-35-211b	Revoked	V. 12, p. 1176
28-35-211c	New	V. 13, p. 1300
28-35-211d	New	V. 13, p. 1300
28-35-212a	Amended	V. 13, p. 1301
28-35-212b	Amended	V. 13, p. 1301
28-35-212c	New	V. 13, p. 1301
28-35-212d	New	V. 13, p. 1302
28-35-212e	New	V. 13, p. 1302
28-35-212f	New	V. 13, p. 1303
28-35-212g	New	V. 13, p. 1304
28-35-213a	Amended	V. 13, p. 1305
28-35-213b	New	V. 13, p. 1305
28-35-214a	Amended	V. 12, p. 1176
28-35-215a	Revoked	V. 13, p. 1306
28-35-217a	Amended	V. 13, p. 1306
28-35-217b	New	V. 13, p. 1306
28-35-218a	Amended	V. 12, p. 1176
28-35-219a	Amended	V. 13, p. 1306
28-35-220a	Amended	V. 13, p. 1309
28-35-221a	Amended	V. 13, p. 1309
28-35-221b	Amended	V. 13, p. 1310
28-35-222a	Amended	V. 13, p. 1317
28-35-223a	Amended	V. 13, p. 1317
28-35-224a	Amended	V. 13, p. 1317
28-35-225a	Amended	V. 13, p. 1318
28-35-226a	Amended	V. 13, p. 1318
28-35-227a	Revoked	V. 13, p. 1318
28-35-227b through		
28-35-227i	New	V. 13, p. 1318, 1319
28-35-228a	Amended	V. 13, p. 1320
28-35-229a	Amended	V. 13, p. 1320
28-35-230a	Amended	V. 13, p. 1320
28-35-230b	Amended	V. 13, p. 1321
28-35-230c	New	V. 13, p. 1321
28-35-230d	New	V. 13, p. 1321
28-35-230e	New	V. 13, p. 1322
28-35-230f	New	V. 13, p. 1322
28-35-231b	Amended	V. 13, p. 1322
28-35-232a	Revoked	V. 13, p. 1323
28-35-233a	Revoked	V. 13, p. 1323
28-35-234a	Revoked	V. 13, p. 1323
28-35-242	Amended	V. 12, p. 1177
28-35-245	Revoked	V. 12, p. 1177
28-35-246	Revoked	V. 12, p. 1177
28-35-247	Amended	V. 12, p. 1177
28-35-248	Revoked	V. 12, p. 1177
28-35-249	Amended	V. 12, p. 1177
28-35-250	Revoked	V. 12, p. 1177
28-35-250a	New	V. 12, p. 1177
28-35-251	Amended	V. 12, p. 1177
28-35-253	New	V. 12, p. 1177
28-35-254	New	V. 12, p. 1177
28-35-255	New	V. 12, p. 1177
28-35-276	Amended	V. 12, p. 1177
28-35-282	Amended	V. 12, p. 1177
28-35-284	Amended	V. 12, p. 1177
28-35-285	Amended	V. 12, p. 1177
28-35-287	Amended	V. 12, p. 1177

28-35-288	Amended	V. 12, p. 1177
28-35-333	Amended	V. 13, p. 1323
28-35-334	Amended	V. 13, p. 1324
28-35-341 through		
28-35-363	New	V. 12, p. 1177, 1178
28-36-21	Amended	V. 12, p. 1059
28-36-30	Amended	V. 12, p. 1211
28-38-18 through		
28-38-23	Amended	V. 12, p. 437, 438
28-38-29	New	V. 12, p. 439
28-39-76	Revoked	V. 12, p. 1399
28-39-77	Revoked	V. 12, p. 1399
28-39-77a	Revoked	V. 12, p. 1400
28-39-78	Revoked	V. 12, p. 1400
28-39-79	Revoked	V. 13, p. 37
28-39-80	Revoked	V. 13, p. 37
28-39-81	Revoked	V. 13, p. 37
28-39-81a	Revoked	V. 13, p. 37
28-39-81b	Revoked	V. 13, p. 37
28-39-82 through		
28-39-103	Revoked	V. 12, p. 1400
28-39-103a	Revoked	V. 12, p. 1400
28-39-104 through		
28-39-113	Revoked	V. 12, p. 1400
28-39-144 through		
28-39-162	New	V. 12, p. 1400-1416
28-39-162a	New	V. 12, p. 1417
28-39-162b	New	V. 12, p. 1422
28-39-162c	New	V. 12, p. 1424
28-39-163	New	V. 12, p. 1428
28-39-164 through		
28-39-174	New	V. 13, p. 37-42
28-39-227 through		
28-39-239	New	V. 13, p. 399-403
28-44-28	New	V. 12, p. 1541
28-44-29	New	V. 12, p. 1541
28-46-1	Amended	V. 13, p. 152
28-46-2	Amended	V. 13, p. 152
28-46-3	Amended	V. 13, p. 152
28-46-5 through		
28-46-22	Amended	V. 13, p. 152, 153
28-46-24	Amended	V. 13, p. 154
28-46-26 through		
28-46-34	Amended	V. 13, p. 154, 155
28-46-36	Amended	V. 13, p. 155
28-46-37	Revoked	V. 13, p. 354
28-46-38	Amended	V. 13, p. 354
28-46-39	Revoked	V. 13, p. 156
28-46-41	Amended	V. 13, p. 156
28-46-42	Amended	V. 13, p. 156
28-46-43	New	V. 13, p. 156
28-46-44	New	V. 13, p. 156
28-51-100 through		
28-51-104	Amended	V. 13, p. 43-45
28-51-108	Amended	V. 13, p. 45
28-51-110	Amended	V. 13, p. 45
28-51-111	Amended	V. 13, p. 46
28-51-112	Amended	V. 13, p. 46
28-59-5	Amended	V. 13, p. 1158
28-59-5a	New	V. 13, p. 1159
28-59-7	Amended	V. 13, p. 1159
28-59-7	Amended	V. 12, p. 1541
28-65-2	Amended	V. 12, p. 1542
28-65-3	Amended	V. 12, p. 1542
28-65-4	New	V. 12, p. 1542
28-66-1 through		
28-66-4	New	V. 13, p. 46-48

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-2-16	Amended	V. 13, p. 1159
30-4-52	Amended	V. 12, p. 1213
30-4-63	Amended	V. 12, p. 1213
30-4-64	Amended	V. 12, p. 1215
30-4-73	Amended	V. 12, p. 386
30-4-85a	Amended	V. 12, p. 1461, 1486
30-4-90	Amended	V. 13, p. 721
30-4-96	Amended	V. 13, p. 1159
30-4-111	Amended	V. 12, p. 1737, 1781
30-4-112	Amended	V. 12, p. 1216
30-4-113	Amended	V. 13, p. 1160

30-4-122a	Amended	V. 12, p. 1461, 1486
30-4-130	Amended	V. 12, p. 1217
30-5-58	Amended	V. 13, p. 723
30-5-59	Amended	V. 12, p. 392
30-5-60	Amended	V. 12, p. 393
30-5-64	Amended	V. 13, p. 730
30-5-65	Amended	V. 13, p. 730
30-5-70	Amended	V. 12, p. 394
30-5-71	Amended	V. 12, p. 1224
30-5-73	Amended	V. 12, p. 1224
30-5-81b	Amended	V. 12, p. 1225
30-5-82a	Amended	V. 13, p. 730
30-5-100	Amended	V. 12, p. 1225
30-5-105	Amended	V. 12, p. 1226
30-5-109a	Amended	V. 12, p. 1226
30-5-116	Amended	V. 13, p. 730
30-5-116a	Amended	V. 12, p. 1226
30-5-118a	Amended	V. 13, p. 731
30-5-151	Amended	V. 12, p. 266, 579
30-6-52	Amended	V. 13, p. 1160
30-6-56	Amended	V. 13, p. 734
30-6-77	Amended	V. 13, p. 1161
30-6-103	Amended	V. 12, p. 1739
30-6-106	Amended	V. 12, p. 1740, 1784
30-6-109	Amended	V. 13, p. 735
30-6-111	Amended	V. 13, p. 737
30-6-112	Amended	V. 12, p. 1230
30-6-113	Amended	V. 13, p. 1161
30-6-150	Amended	V. 12, p. 1745, 1789
30-7-100	Amended	V. 12, p. 398
30-10-1a	Amended	V. 13, p. 1163
30-10-1b	Amended	V. 13, p. 1165
30-10-1c	Amended	V. 12, p. 1748
30-10-1d	Amended	V. 12, p. 1748
30-10-2	Amended	V. 13, p. 1165
30-10-7	Amended	V. 13, p. 1166
30-10-11	Amended	V. 12, p. 1749
30-10-15a	Amended	V. 12, p. 1751
30-10-17	Amended	V. 12, p. 1753
30-10-18	Amended	V. 13, p. 1167
30-10-19	Amended	V. 12, p. 1756
30-10-23a	Amended	V. 12, p. 1756
30-10-25	Amended	V. 12, p. 1757
30-10-28	Amended	V. 12, p. 1758
30-31-7	Amended	V. 12, p. 901, 975
30-46-10	Amended	V. 12, p. 1231
30-65-1	New	V. 12, p. 1592, 1632
30-65-2	New	V. 12, p. 1593, 1633
30-65-3	New	V. 12, p. 1593, 1633

**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-27-11	Revoked	V. 13, p. 91
36-37-1 through 36-37-6	New	V. 12, p. 309, 310
36-38-1	New	V. 12, p. 310
36-38-2	New	V. 12, p. 310
36-39-1 through 36-39-6	New	V. 12, p. 1088-1090

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-22	Amended	V. 13, p. 185
40-1-39	New	V. 12, p. 1563
40-1-41	New	V. 12, p. 1563
40-2-23	New	V. 12, p. 1564
40-3-10	Revoked	V. 12, p. 1564
40-3-32	Amended	V. 12, p. 1564
40-3-33	Amended	V. 12, p. 1565
40-3-47	Amended	V. 13, p. 185
40-3-50	New	V. 12, p. 1568
40-4-2	Amended	V. 12, p. 1568
40-5-12	New	V. 12, p. 1568

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-2-103	New	V. 12, p. 822
44-5-102	Revoked	V. 13, p. 835
44-6-124	Amended	V. 12, p. 1154
44-6-146	New	V. 12, p. 1154
44-7-104	Amended	V. 13, p. 835
44-7-116	New	V. 12, p. 1155
44-9-103	Revoked	V. 13, p. 836
44-9-104	Revoked	V. 13, p. 837
44-9-105	Amended	V. 13, p. 837
44-13-201	Amended	V. 13, p. 837
44-13-201b	Amended	V. 13, p. 838

44-13-202	Amended	V. 13, p. 838
44-13-402	Amended	V. 13, p. 839
44-13-403	Amended	V. 13, p. 839
44-13-603	Amended	V. 13, p. 841
44-14-101	Amended	V. 12, p. 1593
44-14-102	Amended	V. 12, p. 1594
44-14-201	Amended	V. 12, p. 1594
44-14-301	Amended	V. 12, p. 1594
44-14-302	Amended	V. 13, p. 841
44-14-303	Amended	V. 12, p. 1596
44-14-305	Amended	V. 12, p. 1596
44-14-305a	Revoked	V. 12, p. 1596
44-14-306	Amended	V. 12, p. 1596
44-14-307	Amended	V. 12, p. 1597
44-14-309	Amended	V. 12, p. 1597
44-14-310	Amended	V. 12, p. 1597
44-14-311	Amended	V. 12, p. 1597
44-14-314	Amended	V. 12, p. 1597
44-14-316	Amended	V. 12, p. 1597
44-14-318	New	V. 12, p. 1597

**AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—**

**DIVISION OF WORKERS COMPENSATION**

Reg. No.	Action	Register
51-9-7	Amended	V. 12, p. 1399

**AGENCY 56: OFFICE OF THE ADJUTANT GENERAL**

Reg. No.	Action	Register
56-2-1	New	V. 12, p. 1736
56-2-2	New	V. 12, p. 1736
56-3-1 through 56-3-6	New	V. 13, p. 89-91, 111-112

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-1-101	Revoked	V. 12, p. 1205
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-104	Revoked	V. 13, p. 365
60-3-105	Amended	V. 13, p. 365
60-3-106	Amended	V. 13, p. 365
60-3-106a	New	V. 13, p. 365
60-3-110	Amended	V. 13, p. 1086
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 13, p. 365
60-4-103	Amended	V. 13, p. 365
60-7-104	Amended	V. 13, p. 366
60-7-106	Amended	V. 13, p. 1086
60-7-108	New	V. 12, p. 349
60-8-101	Amended	V. 13, p. 366
60-9-105	Amended	V. 12, p. 349
60-9-107	Amended	V. 12, p. 1206
60-11-103	Amended	V. 13, p. 1086
60-11-108	Amended	V. 13, p. 1087
60-11-113	Amended	V. 13, p. 366
60-11-118	Amended	V. 12, p. 350
60-11-119	Amended	V. 12, p. 489
60-12-104	Amended	V. 12, p. 1208
60-12-105	Amended	V. 12, p. 1208
60-13-101	Amended	V. 12, p. 489
60-13-110	Amended	V. 13, p. 366

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-3	Amended	V. 12, p. 1598
63-1-4	Amended	V. 12, p. 632
63-3-10	Amended	V. 12, p. 632
63-3-11	Amended	V. 12, p. 632
63-3-19	Amended	V. 12, p. 633
63-4-1	Amended	V. 12, p. 1598

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-4-3	Amended	V. 12, p. 630
65-4-4	Amended	V. 12, p. 630

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-6	Amended	V. 12, p. 1926
66-6-8	Amended	V. 12, p. 1926
66-6-9	Amended	V. 12, p. 1926
66-8-2 through 66-8-5	Amended	V. 12, p. 1926, 1927
66-9-1	Amended	V. 12, p. 1927
66-9-2	Amended	V. 12, p. 1927
66-9-4	Amended	V. 12, p. 1927

66-9-5	Amended	V. 12, p. 1928
66-10-1	Amended	V. 12, p. 1928
66-10-3	Amended	V. 12, p. 1928
66-10-4	Amended	V. 12, p. 1928
66-10-9	Amended	V. 12, p. 1928
66-11-1	Amended	V. 12, p. 1929
66-11-2	Amended	V. 12, p. 1929
66-12-1	Amended	V. 12, p. 1929

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1a	Amended	V. 13, p. 533
68-1-1f	Amended	V. 13, p. 534
68-7-12a	New	V. 12, p. 186
68-7-14	Amended	V. 13, p. 534
68-7-19	New	V. 12, p. 187
68-11-1	Amended	V. 13, p. 534
68-11-2	Amended	V. 13, p. 535
68-12-2	Amended	V. 12, p. 187
68-20-9	Amended	V. 13, p. 535
68-20-18	Amended	V. 12, p. 187
68-20-19	Amended	V. 12, p. 188

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-1-4	Amended	V. 13, p. 4
69-11-1	Amended	V. 12, p. 1633
69-12-1 through 69-12-17	New	V. 12, p. 1633-1635

**AGENCY 70: BOARD OF VETERINARY EXAMINERS**

Reg. No.	Action	Register
70-5-1	Amended	V. 13, p. 445

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-1-16	New	V. 13, p. 1085
71-1-17	New	V. 13, p. 1085
71-1-18	New	V. 12, p. 1700
71-3-3	Amended	V. 13, p. 1085

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-8	Amended	V. 12, p. 1922
74-5-2	Amended	V. 12, p. 1039
74-5-202	Amended	V. 13, p. 1152
74-5-203	Amended	V. 13, p. 1152
74-5-405	Amended	V. 12, p. 1040
74-5-406	Amended	V. 12, p. 1040
74-6-1	Amended	V. 12, p. 1040
74-6-2	Amended	V. 12, p. 1041
74-8-2	Amended	V. 12, p. 1041
74-8-5	Amended	V. 12, p. 1041
74-11-1 through 74-11-5	Revoked	V. 12, p. 1922
74-11-6 through 74-11-14	New	V. 12, p. 1922-1926
74-12-1	Amended	V. 13, p. 1152
74-14-1	New	V. 12, p. 1041
74-14-2	New	V. 12, p. 1041

**AGENCY 75: CONSUMER CREDIT COMMISSIONER**

Reg. No.	Action	Register
75-6-6	Amended	V. 13, p. 276

**AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Reg. No.	Action	Register
80-8-1 through 80-8-7	New	V. 12, p. 980, 981

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-3-1	Amended	V. 12, p. 788
81-3-3	Amended	V. 12, p. 790
81-3-4	New	V. 12, p. 790
81-5-3	Amended	V. 12, p. 790
81-5-8	Amended	V. 12, p. 791
81-5-9	Amended	V. 12, p. 791
81-5-10	New	V. 12, p. 791
81-5-11	New	V. 12, p. 1873
81-7-1	Amended	V. 12, p. 791
81-7-2	New	V. 12, p. 794
81-11-11	Amended	V. 12, p. 794

(continued)

AGENCY 82: STATE CORPORATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 82 from 82-1-228 to 82-4-42.

AGENCY 86: REAL ESTATE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 86 from 86-1-5 to 86-3-24.

AGENCY 88: BOARD OF REGENTS

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 88 from 88-10-4 to 88-22-10.

AGENCY 91: DEPARTMENT OF EDUCATION

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 91 from 91-1-30 to 91-12-41.

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 91-12-44 to 91-12-71.

AGENCY 98: KANSAS WATER OFFICE

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 98 from 98-5-2 to 98-5-5.

AGENCY 99: BOARD OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 99 from 99-40-21 through 99-40-46.

AGENCY 100: BOARD OF HEALING ARTS

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 100 from 100-10a-1 to 100-60-13.

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 102 from 102-1-13 to 102-5-2.

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 105 from 105-2-1 to 105-10-5.

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 109 from 109-1-1 to 109-13-3.

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 110 from 110-6-1 through 110-6-6.

Table with 3 columns: Reg. No., Action, Register. Lists regulations 110-6-7 and 110-40-5.

AGENCY 111: THE KANSAS LOTTERY

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Agency 111 from 111-1-2 to 111-4-212.

111-4-213 through			111-4-384 through			111-4-555 through		
111-4-220	Revoked	V. 10, p. 1213	111-4-387	Revoked	V. 12, p. 1373	111-4-563	New	V. 13, p. 396-398
111-4-217	Amended	V. 9, p. 986	111-4-388 through			111-4-564 through		
111-4-221 through			111-4-400	New	V. 11, p. 478-481	111-4-571	New	V. 13, p. 635-637
111-4-224	Revoked	V. 10, p. 1585	111-4-388 through			111-4-572 through		
111-4-225 through			111-4-391	Revoked	V. 12, p. 1373	111-4-585	New	V. 13, p. 878-880
111-4-228	Revoked	V. 10, p. 1585	111-4-392	Amended	V. 12, p. 520	111-4-586 through		
111-4-229 through			111-4-394 through			111-4-593	New	V. 13, p. 1047-1049
111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-400	Amended	V. 12, p. 521, 522	111-5-1 through		
111-4-237 through			111-4-401 through			111-5-23	New	V. 7, p. 209-213
111-4-240	Revoked	V. 11, p. 413	111-4-404	Revoked	V. 12, p. 1373	111-5-9 through		
111-4-241 through			111-4-405 through			111-5-15	Amended	V. 8, p. 210, 211
111-4-244	Revoked	V. 12, p. 1371	111-4-413	New	V. 11, p. 756, 757	111-5-11	Amended	V. 9, p. 505
111-4-245 through			111-4-405	Amended	V. 13, p. 877	111-5-12	Amended	V. 11, p. 415
111-4-248	Revoked	V. 12, p. 1371	111-4-407	Amended	V. 13, p. 877	111-5-17	Amended	V. 8, p. 211
111-4-249 through			111-4-408	Amended	V. 13, p. 877	111-5-18	Amended	V. 10, p. 13
111-4-256	Revoked	V. 12, p. 113, 114	111-4-409	Amended	V. 13, p. 877	111-5-19	Amended	V. 8, p. 212
111-4-257 through			111-4-411	Amended	V. 11, p. 1474	111-5-21 through		
111-4-286	Revoked	V. 11, p. 413, 414	111-4-412	Amended	V. 11, p. 1475	111-5-33	New	V. 11, p. 415-418
111-4-287 through			111-4-413	Amended	V. 11, p. 1475	111-5-22	Amended	V. 11, p. 481
111-4-300	New	V. 10, p. 883-886	111-4-414 through			111-5-23	Amended	V. 11, p. 481
111-4-287 through			111-4-428	New	V. 11, p. 981-983	111-5-24	Amended	V. 11, p. 983
111-4-290	Revoked	V. 12, p. 1371	111-4-414	Amended	V. 11, p. 1150	111-5-25	Amended	V. 11, p. 482
111-4-291 through			111-4-429 through			111-5-27	Amended	V. 11, p. 482
111-4-300	Revoked	V. 12, p. 114	111-4-432	Revoked	V. 12, p. 1373	111-5-28	Amended	V. 12, p. 317
111-4-301 through			111-4-433 through			111-5-34	New	V. 12, p. 318
111-4-307	New	V. 10, p. 1015, 1016	111-4-436	Revoked	V. 12, p. 1374	111-5-35 through		
111-4-301	Amended	V. 12, p. 1115	111-4-437 through			111-5-38	New	V. 12, p. 526
111-4-303	Amended	V. 12, p. 1115	111-4-444	New	V. 11, p. 1475-1477	111-6-1 through		
111-4-304	Amended	V. 12, p. 1115	111-4-437 through			111-6-15	New	V. 7, p. 213-217
111-4-306	Amended	V. 12, p. 1115	111-4-440	Revoked	V. 12, p. 1374	111-6-1	Amended	V. 13, p. 339
111-4-308 through			111-4-445 through			111-6-3	Amended	V. 12, p. 527
111-4-320	New	V. 10, p. 1214, 1215	111-4-453	New	V. 11, p. 1794-1796	111-6-4	Amended	V. 10, p. 1413
111-4-308	Amended	V. 12, p. 1261	111-4-445 through			111-6-5	Amended	V. 12, p. 1262
111-4-311	Amended	V. 12, p. 1262	111-4-453	New	V. 11, p. 1794-1796	111-6-6	Amended	V. 11, p. 1973
111-4-312	Amended	V. 12, p. 1262	111-4-445 through			111-6-7	Amended	V. 11, p. 1477
111-4-313	Amended	V. 12, p. 1262	111-4-448	Revoked	V. 12, p. 1374	111-6-7a	New	V. 12, p. 1118
111-4-318 through			111-4-448 through			111-6-8	Revoked	V. 12, p. 1263
111-4-321	Revoked	V. 12, p. 114	111-4-454 through			111-6-9	Amended	V. 10, p. 1217
111-4-322 through			111-4-465	Revoked	V. 12, p. 1664, 1665	111-6-11	Revoked	V. 12, p. 1376
111-4-331	New	V. 10, p. 1411-1413	111-4-466 through			111-6-12	Amended	V. 8, p. 212
111-4-322 through			111-4-473	New	V. 12, p. 316, 317	111-6-13	Amended	V. 8, p. 299
111-4-327	Revoked	V. 12, p. 1371	111-4-466 through			111-6-15	Amended	V. 12, p. 677
111-4-328 through			111-4-473	New	V. 12, p. 316, 317	111-6-17	Revoked	V. 10, p. 1475
111-4-335	Revoked	V. 12, p. 114	111-4-466 through			111-6-18	New	V. 13, p. 150
111-4-336 through			111-4-469	Revoked	V. 12, p. 1665	111-6-19	New	V. 13, p. 340
111-4-345	New	V. 10, p. 1526-1528	111-4-470	Amended	V. 12, p. 522	111-6-20	New	V. 13, p. 340
111-4-336 through			111-4-474 through			111-6-21	New	V. 13, p. 881
111-4-340	Amended	V. 12, p. 1371, 1372	111-4-488	New	V. 12, p. 522-524	111-6-22	New	V. 13, p. 881
111-4-341	Revoked	V. 11, p. 1473	111-4-489 through			111-6-23	New	V. 13, p. 881
111-4-341a	Revoked	V. 12, p. 1372	111-4-492	New	V. 12, p. 861	111-7-1 through		
111-4-341b	Amended	V. 12, p. 1372	111-4-493 through			111-7-10	New	V. 7, p. 1192, 1193
111-4-341c	New	V. 12, p. 1664	111-4-496	New	V. 12, p. 525	111-7-1	Amended	V. 8, p. 212
111-4-344	Amended	V. 12, p. 1373	111-4-497 through			111-7-3	Amended	V. 11, p. 1796
111-4-346 through			111-4-500	New	V. 12, p. 913, 914	111-7-3a	Revoked	V. 13, p. 340
111-4-361	New	V. 10, p. 1586-1589	111-4-501 through			111-7-4	Amended	V. 9, p. 1367
111-4-346 through			111-4-512			111-7-5	Amended	V. 9, p. 986
111-4-349	Revoked	V. 12, p. 114	111-4-513 through			111-7-6	Amended	V. 9, p. 987
111-4-362 through			111-4-521			111-7-9	Amended	V. 12, p. 1263
111-4-365	Revoked	V. 12, p. 114, 115	111-4-522 through			111-7-11	Amended	V. 10, p. 1475
111-4-362	Amended	V. 11, p. 13	111-4-530	New	V. 12, p. 1569, 1570	111-7-12 through		
111-4-366 through			111-4-531 through			111-7-32	New	V. 7, p. 1194-1196
111-4-379	New	V. 11, p. 136-139	111-4-534	New	V. 12, p. 1665, 1666	111-7-33 through		
111-4-366 through			111-4-535 through			111-7-43	New	V. 7, p. 1197, 1198
111-4-369	Revoked	V. 12, p. 1373	111-4-542	New	V. 12, p. 1844-1846	111-7-33a	New	V. 8, p. 300
111-4-380 through			111-4-543 through			111-7-44 through		
111-4-383	Revoked	V. 12, p. 1664	111-4-546	New	V. 13, p. 150	111-7-54	Revoked	V. 13, p. 340
			111-4-547 through			111-7-46	Amended	V. 11, p. 1152
			111-4-554	New	V. 13, p. 337-339	111-7-54	Amended	V. 11, p. 1511
						111-7-55 through		
						111-7-63	Revoked	V. 10, p. 1217
						111-7-60	Amended	V. 10, p. 262
						111-7-64 through		
						111-7-75	New	V. 11, p. 13, 14
						111-7-66	Amended	V. 13, p. 1049
						111-7-66a	Revoked	V. 13, p. 340

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111-7-76 through 111-7-78	New	V. 11, p. 1478-1480
111-7-79 through 111-7-80	Revoked	V. 13, p. 340
111-7-81 through 111-7-83	New	V. 11, p. 1478-1480
111-7-84 through 111-7-90	New	V. 12, p. 677, 678
111-7-91 through 111-7-94	Revoked	V. 13, p. 340
111-7-95 through 111-7-99	New	V. 12, p. 914
111-8-1 through 111-8-105	New	V. 12, p. 1376, 1377
111-8-11 through 111-8-12	New	V. 7, p. 1633
111-8-13 through 111-8-14	New	V. 7, p. 1633
111-8-15 through 111-8-16	Amended	V. 10, p. 886
111-8-17 through 111-8-18	New	V. 7, p. 1714
111-8-19 through 111-8-20	New	V. 7, p. 1995
111-8-21 through 111-8-22	New	V. 7, p. 1634
111-8-23 through 111-8-24	New	V. 13, p. 881
111-8-25 through 111-8-26	New	V. 13, p. 881
111-8-27 through 111-8-28	New	V. 7, p. 1714-1716
111-8-29 through 111-8-30	Revoked	V. 9, p. 1680
111-8-31 through 111-8-32	Revoked	V. 9, p. 1680
111-8-33 through 111-8-34	New	V. 9, p. 699, 700
111-8-35 through 111-8-36	New	V. 10, p. 262
111-8-37 through 111-8-38	New	V. 10, p. 1439, 1440
111-8-39 through 111-8-40	New	V. 12, p. 318, 319
111-8-41 through 111-8-42	New	V. 12, p. 1263, 1264

111-10-1 through 111-10-9	New	V. 8, p. 136-138
111-10-10 through 111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 12, p. 1152, 1369
112-4-24	New	V. 12, p. 1153, 1370
112-4-25	New	V. 13, p. 1088
112-5-10	New	V. 13, p. 1088
112-6-1	Amended	V. 13, p. 1088
112-6-2	Amended	V. 13, p. 1088
112-6-9	New	V. 13, p. 1089
112-6-10	New	V. 13, p. 1089
112-7-24	New	V. 13, p. 843, 1090
112-8-13	New	V. 13, p. 1090
112-9-1	New	V. 13, p. 1090
112-9-2	Amended	V. 12, p. 975, 1211
112-9-18a	Amended	V. 12, p. 355, 378
112-9-30	Amended	V. 12, p. 975, 1211
112-9-39a	Amended	V. 12, p. 356, 378
112-9-40a	Amended	V. 12, p. 356, 379
112-9-41a	Amended	V. 12, p. 358, 380
112-9-42	Amended	V. 12, p. 359, 382
112-9-43	Amended	V. 12, p. 361, 383
112-9-44	New	V. 12, p. 361, 384
112-11-21	Amended	V. 13, p. 1090
112-12-1	New	V. 12, p. 50
112-12-2 through 112-12-11	Amended	V. 12, p. 50-53
112-12-10	Amended	V. 12, p. 1816
112-12-14	New	V. 13, p. 962, 1091
112-15-2	Amended	V. 13, p. 1091
112-15-3	Amended	V. 13, p. 1091
112-15-5	Amended	V. 13, p. 1091
112-15-6	Amended	V. 13, p. 1091
112-17-15	New	V. 12, p. 1034, 1211
112-18-9	Amended	V. 13, p. 1092
112-18-11	Amended	V. 13, p. 1092
112-18-17	Amended	V. 13, p. 1092
112-18-18	Amended	V. 13, p. 1092
112-18-20	New	V. 13, p. 1093

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 13, p. 1062
115-4-1	Amended	V. 12, p. 570

115-4-3	Amended	V. 12, p. 570
115-4-5	Amended	V. 12, p. 571
115-4-6	Amended	V. 13, p. 592
115-4-7	Amended	V. 13, p. 594
115-4-12	Amended	V. 13, p. 1286
115-5-1	Amended	V. 12, p. 1490
115-5-2	Amended	V. 13, p. 1286
115-5-3	New	V. 13, p. 1287
115-8-22	New	V. 13, p. 233
115-9-1	Revoked	V. 12, p. 1702
115-9-5	Amended	V. 13, p. 980
115-9-7	New	V. 13, p. 1287
115-14-1	Amended	V. 13, p. 980
115-14-2	Amended	V. 13, p. 980
115-14-8	Amended	V. 13, p. 980
115-14-9	Amended	V. 13, p. 980
115-14-10	Amended	V. 13, p. 981
115-17-15	New	V. 12, p. 1702
115-17-16 through 115-17-20	New	V. 13, p. 234-236
115-18-4	Amended	V. 12, p. 1491
115-18-9	New	V. 12, p. 1702
115-18-10	New	V. 12, p. 1702
115-18-12	New	V. 12, p. 1491
115-18-13	New	V. 13, p. 981
115-21-3	New	V. 12, p. 1703
115-30-8	Amended	V. 12, p. 1703
115-30-10	New	V. 13, p. 595

AGENCY 116: STATE FAIR BOARD

Reg. No.	Action	Register
116-3-1	New	V. 12, p. 1175
116-3-2	New	V. 12, p. 1175
116-4-1	New	V. 13, p. 934
116-4-2	New	V. 13, p. 934

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 13, p. 974
117-2-1	Amended	V. 12, p. 528
117-2-2	Amended	V. 13, p. 913
117-2-4	Amended	V. 12, p. 529
117-3-1	Amended	V. 12, p. 529
117-3-2	Amended	V. 13, p. 913
117-4-1	Amended	V. 12, p. 1699
117-4-2	Amended	V. 13, p. 913
117-4-4	Amended	V. 12, p. 530
117-5-1	New	V. 13, p. 975
117-6-1	Amended	V. 13, p. 914
117-6-2	Amended	V. 12, p. 531
117-8-1	Amended	V. 12, p. 531

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